



CITY OF MARKHAM
Virtual meeting on zoom

August 11, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 14th 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
Geoff Day, Senior Planner-Zoning and Special Projects
Charlotte Wayara, Development Technician

DISCLOSURE OF INTEREST

Minutes: July 21, 2021

THAT the minutes of Meeting No. 13 of the City of Markham Committee of Adjustment, held July 7, 2021 respectively, be

- a) Approved as submitted, on August 11, 2021

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

PREVIOUS BUSINESS:

1. A/047/21

**Owner Name: YINGSHUO LIU
Agent Name: AND Architecture Inc. (Sam Wu)
12 Wignall Crescent, 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):**
a maximum floor area ratio of 49.90 percent, whereas the By-law allows 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 Sam Wu appeared on behalf of the application. They have one variance request and have collected four letters of support from neighbouring residents.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She has concerns about shadowing of the proposal. This variance request is still 10 percent greater than what the Zoning By-law permits. She also asked that the overall size of the house be decreased as well.

Mr. Wu responded that the neighbours they interacted with support the proposal.

Committee member Tom Gutfreund asked why the house orientation is not towards Wignall Crescent.

Mr. Wu indicated the entrance is already oriented towards McPhillips Avenue and also done to preserve trees on site.

Committee member Arun Prasad was asking about how the proposal has been changed since last COA meeting.

Mr. Wu stated that the floor area ratio variance request has been reduced.

Committee member Sally Yan asked if the applicant had spoken with neighbouring residents about the proposal.

Mr. Wu acknowledged this.

Moved By: Sally Yan
Seconded By: Tom Gutfreund

THAT Application No A/047/21 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/085/21

Owner Name: 6640028 Canada Inc., c/o Bentall Green Oak (Canada) Ltd. Partnership (Terry Flynn)
Agent Name: Malone Given Parsons Ltd (Elyse Holwell)
100 Gough Road, Markham
PLAN M1915 PT BLK 17 RP 65R24929 PART 1

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

a) Section 4.8.2(d):

Accessory Industrial Equipment (generators/platform structures) to be located in a yard adjacent to a street (14th Avenue), whereas the By-Law only permits Accessory Industrial Equipment in yards not adjacent to a street except as provided in Section 4.8.2(e);

as it relates to proposed relocation of generators on the subject property.
(Central District, Ward 8)

The Secretary-Treasurer introduced the application.

The agent Lincoln Lo appeared on behalf of the application. The proposal is to replace an older generator of site. This site is a critical data management facility for several companies.

Committee member Patrick Sampson asks about a fencing condition from staff.

The Secretary-Treasurer responded that it is a condition as recommended by Urban Design staff.

Committee member Tom Gutfreund supports the proposal.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

THAT Application No A/085/21 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/133/20

**Owner Name: Vista Stairs and Hand-rail Ltd. (Dong Jun Wang)
Agent Name: Grandesign Contracting Inc. (MOHAMMAD GHOFRANI)
Vista Stairs and Hand-rail Ltd.
100 Esna Park Drive, Markham
PLAN M1318 LOT 25**

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

a) Section 6.1 (g):

a maximum height of 16.91 metres, whereas the By-law permits a maximum height of 14 metres;

as it relates to the installation of a dust collector for an existing industrial building. This application is related to a Site Plan Control application (SPC 21 105796) which is being reviewed concurrently by the City. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Mohammad Ghofrani appeared on behalf of the application. During pandemic, they had a dust collector in interior of building. However, it is no longer feasible so they need to place collector in exterior of building, thus necessitating a variance.

Committee member Tom Gutfreund indicated this is an industrial building which is a technical type application.

**Moved By: Tom Gutfreund
Seconded By: Arun Prasad**

THAT Application No A/133/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/029/21**

Owner Name: James Leung
Agent Name: James Leung
34 Begonia Street, Markham
PLAN 65M4341 LOT 46

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

a) By-law 177-96, Section 6.2.1 (b) (iii):

the floor level of a deck to be located above the first storey; whereas the By-law requires that the floor of the deck is not higher than the floor level of the first storey of the main building;

as it relates to a proposed 2 storey deck. **(East District, Ward 6)**

The Secretary-Treasurer introduced the application.

The applicant James Leung appeared on behalf of the application. They want a proposed deck here.

Pingan Chu of 32 Begonia Street indicated support of the application. He inquired if, during construction, there would not be affects to his own property.

The Chair stated that the Building Dept. would ensure this doesn't occur.

Committee member Tom Gutfreund asked if there is a sliding door on second floor.

Mr. Leung responded it is sliding door with a fence attached to it.

Committee member Patrick Sampson inquired as to why this application/proposal is required.

Committee member Jeamie Reingold asked if there has been similar type proposals in the past.

The Chair responded that the size of the deck is not subject to a variance request.

Committee member Kelvin Kwok asked how close their property is to the rear lot line.

Mr. Leung indicated it is approximately 10 feet.

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Committee member Arun Prasad asked what is deck material.

Mr. Leung stated it would be composite material.

Committee member Jeamie Reingold asked about specific details of the deck being proposed.

Mr. Leung indicated that screening can be placed around the deck if necessary.

Committee member Tom Gutfreund stated he believes that other properties will do similar construction as well.

Geoff Day commented that this proposal is interpreted as a deck, and not a balcony.

Committee member Jeamie Reingold raised concerns about future similar decks also being constructed in this neighbourhood.

Committee member Sally Yan asked if landscape screening could be imposed here.

The Chair asked if the applicant may look to reduce the size of the deck, and possibly bring it more down to grade. He asked if the applicant could defer it to make some changes to the proposal.

Mr. Leung responded that he could discuss with his engineer.

Committee member Tom Gutfreund does not believe further changes to proposal is necessary as there are already similar decks in the area.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

Tom Gutfreund, Arun Prasad, Patrick Sampson, and Sally Yan support

Jeamie Reingold and Kelvin Kwok opposed

THAT Application No A/029/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/088/21**

Owner Name: Kalasuthan Namasivayam
Agent Name: Varatha Design Associates (Ken Varatha)
59 Pelister Drive, Markham
PLAN 65M4237 LOT 179

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 (basement apartment), whereas the By-law permits no more than one dwelling unit on a lot.
- b) **By-law 177-96 Sec. Table B2 (Part 1 of 3), E:**
a minimum interior side yard setback of 0.28 m, whereas the By-law requires a minimum interior side yard setback of 1.2 m;

as it relates to a 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. They found slight issues with the side yard setback.

Committee member Arun Prasad asked about the need of for the variance.

Mr. Varatha responded that the side yard setback is due to the walkway they will be placing along the side of the dwelling.

Moved By: Sally Yan
Seconded By: Patrick Sampson

THAT Application No A/088/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/091/21**

Owner Name: MARY RATNARAJAH
Agent Name: Gregory Design Group (Shane Gregory)
156 Church Street, Markham
PLAN 1445 PT LOT 1

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

- a) **By-law 1229, Section 1.2(iii):**
a maximum building depth of 29.6 m, whereas the By-law allows a maximum building depth of 16.8 m;
- b) **By-law 28-97, Section 6.2.4.5 a):**
a second driveway width of up to 5.79 m, whereas the By-law allows a second driveway width of up to 3.7 m;
- c) **By-law 28-97, Section 6.2.4.6 a):**
a driveway with a maximum width of 7.0 m, whereas the By-law permits a driveway with a maximum width of 6.1 m when a garage faces an interior lot line;

as it relates to proposed additions to existing dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. The original dwelling had been constructed in 2013. With regards to staff concern on the proposed driveway, he does not believe it to be a significant issue.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She indicates that she has spoken with adjacent neighbours who have raised concerns.

David Smith of 44 Squire Bakers Lane spoke in opposition to the application. He requested the Committee carefully review and consider potential implications of approving this application.

Mr. Gregory believes the proposal is appropriate for the local neighbourhood context.

Committee Jeamie Reingold had initially not initially supported the proposal but has revised her position. She asked what the material is proposed for the driveway.

The Chair asked the difference between carport and autoport.

Mr. Gregory responded that carport is where a vehicle is parked.

Committee member Sally Yan inquired if the driveway is an existing condition.

Mr. Gregory indicated that it is.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No A/091/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/096/21

Owner Name: NAVEED IQBAL
Agent Name: Gregory Design Group (Shane Gregory)
58 Pillar Rock Crescent, Markham
PLAN 65M3763 PT BLK 97 65R28049 PART 55

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:**
a second dwelling unit (basement apartment), whereas the By-law permits no more than one dwelling on a lot;
- b) By-law 28-97, Section 3.0, Table A:**
a minimum of two parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

as it relates to a proposed secondary suite (basement apartment). **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. It is for a proposed basement apartment but they also need a variance request as there will not be additional parking provided for the basement apartment.

Committee member Tom Gutfreund asked where the two current parking spaces are located. He also asked there appears to be an illegal third parking spot on site.

Mr. Gregory responded they have one parking in garage and the second on the driveway. The third parking spot is not a legal parking spot.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund
Patrick Sampson, Tom Gutfreund, Sally Yan and Kelvin Kwok
Jeamie Reingold and Arun Prasad opposed

THAT Application No A/096/21 be approved subject to conditions contained in the staff report and additional condition that the hard surface located along the side of the dwelling be removed and re-constituted to a landscape area.

Resolution Carried

6. A/097/21

Owner Name: Valerie Patel
Agent Name: Valerie Patel
80 Peter Street, Markham
PLAN 3905 LOT 18

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

- a) Amending by-law 99-90, Section 1.2(I):**
a maximum building height of 10.38 m, whereas the By-law permits a maximum building height of 9.8 m;
- b) Amending by-law 99-90, Section 1.2(vi):**
a maximum net floor area of 55.36 percent, whereas the By-law permits maximum net floor area of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Nikol Paar appeared on behalf of the application. They are requesting two variance requests and believe it meets four tests, as per the *Planning Act*. Six letters of support from neighbouring residents were gathered as well.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. With regards to the Comprehensive Zoning By-law, she does not believe that to be relevant to this discussion.

Committee member Tom Gutfreund commented that this is a large and excessive proposal.

The Chair believes that changes to the proposal would be appropriate.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No A/097/21 be deferred sine die.

Resolution Carried

7. A/099/21

Owner Name: Mahnaz Atkinson
Agent Name: Talah Rose Developments Inc (Tara Modir)
Talah Rose Developments Inc
25 Jonquil Crescent, Markham
PLAN 4949 LOT 156

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 building height of 8.61 m, whereas the By-law permits a maximum building height of 8.0 m;
- b) By-law 99-90, Section 1.2(iii):**
a maximum building depth of 18.05 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) By-law 99-90, Section 1.2(vi):**
a maximum net floor area of 56%, whereas the By-law permits a maximum net floor area of 45%;

as it relates to proposed addition/alteration to existing residential dwelling.
(East District, Ward 4)

The Secretary-Treasurer introduced the application.

Moved By: Patrick
Seconded By: Kelvin

THAT Application No A/099/21 be deferred sine die.

Resolution Carried

8. A/110/21

Owner Name: Metropia Minto (Sixteenth) Holdings Inc
Agent Name: Gatzios Planning (Peter Maleganovski)
Yorkton Boulevard, Markham
65M4693 Block 156

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

- a) **Table B5 (Part 2 of 2), By-law 177-96:**
Townhouse Dwellings to be accessed by a Private Street and reviewed in accordance with the provisions for Townhouse Dwellings accessed by a Lane, whereas Townhouse Dwellings are only permitted if accessed by a Lane;
- b) **Table B5 (L) (Part 2 of 2), By-law 177-96:**
a minimum rear yard of 6.0 m for townhouse dwellings, whereas the By-law requires a minimum rear yard of 14.8 m; and,
- c) **Table B6 Section E, By-law 177-96:**
a minimum rear yard of 13.0 m, whereas the By-law requires a minimum rear yard of 20 m;

as it relates to a proposed townhouse development. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Maria Gatzios appeared on behalf of the application. This application relates to a plan of subdivision for these lands. The application here is due to some changes to the subdivision proposal. The built form and setback to the rear of this property are subject to the variance requests. There are townhouses that are being proposed here.

Committee member Tom Gutfreund cites the Planning report which raises no concerns.

Committee member Arun Prasad supports the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/110/21 be approved subject to conditions contained in the staff report.

Resolution Carried

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Adjournment

Moved by Arun Prasad
Seconded by Kelvin Kwok

THAT the virtual meeting of Committee of Adjustment be adjourned 10:08 PM, and the next regular meeting will be held August 25, 2021.

CARRIED



Secretary-Treasurer,

Committee of Adjustment



Chair