



CITY OF MARKHAM
Virtual meeting on zoom

September 8, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 16th 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 |
| 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

Absent

Kelvin Kwok
Tom Gutfreund
Patrick Sampson

DISCLOSURE OF INTEREST

None

Minutes: August 25, 2021

THAT the minutes of Meeting No. 15 of the City of Markham Committee of Adjustment, held August 25, 2021 respectively, be

- a) Approved as submitted, on September 8, 2021

Moved By: Jeamie Reingold
Seconded By: Sally Yan

NEW BUSINESS:

1. A/037/21

Owner Name: Juan Carlos Gamboa
Agent Name: YEJ Studio and Consulting Inc (Amr Robah)
24 Shieldmark Crescent, Thornhill
PLAN M1347 LOT 321

The applicant is requesting relief from the requirements of By-law 2489 as amended to permit:

- a) By-law 2489, Section 6.1:**
a minimum east side yard setback of 4.0 ft for a 2nd storey addition, whereas the By-law requires a minimum side yard setback of 6.0 ft for each side;
- b) By-law 28-97, Section 6.2:**
front yard soft landscaping of 35.85 percent, whereas the By-law requires 40 percent of soft landscaping in the front yard;

as it relates to a proposed second storey addition. **(West District, Ward 1)**

Note: Variance b) has now been removed

The Secretary-Treasurer introduced the application.

The agent Amr Robah appeared on behalf of the application.

Debra Wasserman of 26 Shieldmark Crescent spoke on the application. They raised concerns about the trees being impacted on their property and of the second storey balcony due to privacy issues.

Mr. Robah indicated the tree they identified is on their property and not his clients. There is also fencing which separates the two properties. The balcony is also not subject to a variance, and is permitted by the Zoning By-law.

Committee member Sally Yan asked if the site plan provided is accurate as it appears additional variance may be needed.

Mr. Robah indicated the hard surface on property is for client to use as they require use of wheelchair. Building staff did not identify this as being Zoning By-law deficient.

Committee member Arun Prasad stated it appears to be an issue that the Committee should address.

The Manager of Zoning and Special Projects responded that this element is not subject to this variance application.

The owner Juan Gamboa spoke on the application. He indicated he needs this additional paved area as he has previously fallen off his wheelchair. This will help to minimize that in future.

Committee member Jeamie Reingold stated she is not sure that the amount of proposed paved area is necessary for wheelchair use. In terms of the balcony, that privacy dimension is not an issue to ignore.

The Chair contends that the proposed house here will result in a balcony in closer proximity to adjacent properties. Committee recommend additional condition that the balcony be reduced.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No A/037/21 be approved subject to conditions contained in the staff report and additional condition that the second storey balcony maintain a 1.83 metre setback from the easterly side lot line to the satisfaction of the Director of Planning and Urban Design or their designate.

Resolution Carried

2. A/094/21

Owner Name: Ken Fowler
Agent Name: Building Experts Canada (Edgar Labuac)
4 Hamilton Hall Drive, Markham
PLAN M1385 LOT 122

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

- a) By-law 1229, Section 6.1:**
one accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;
as it relates to a proposed secondary suite (basement apartment). **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Leslie Goodyear of 48 Pringle Avenue indicated she had submitted written comments on the application and had assumed they would be read out. Staff indicated that written comments are not read out at a Committee meeting. However, they would have been submitted to Committee members for their review.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No A/094/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/102/21

Owner Name: MAC'S CONVENIENCE STORES INC (Joel John)
Agent Name: EXP services (Crystal Frazao)
5965 7 Highway, Markham
CON 7 PT LOT 11

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

- a) By-law 1229, Section Table 11.1:**
a minimum side yard setback of 3.32 m, whereas the By-law permits a minimum side yard setback of 7.5 m;
- b) By-law 1229, Section Table 11.1:**
a minimum side yard setback of 3.068 m, whereas the By-law permits a minimum side yard setback of 7.5 m;

as it relates to demolishing existing gas station, convenience store and car wash and constructing new Circle K gas station, convenience store and car wash. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Crystal Frazao appeared for the application.

Committee member Sally Yan asked about the site plan process.

Ms. Frazao stated that they are undergoing that process currently.

Moved By: Sally Yan Prasad
Seconded By: Arun

THAT Application No A/102/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/111/21

Owner Name: Changchun Mu
Agent Name: CUBE ARCHITECTS INC. (Shaowei Cheng)
683 Village Parkway, Markham
PLAN M1714 LOT 115

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

- a) By-law 11-72, Section 6.1:**
a minimum front yard setback of 20'-5 1/2", whereas the By-law requires a minimum front yard setback of 27';
- b) By-law 11-72, Section 6.1:**
a minimum north side yard setback of 4'-1 1/2", whereas the By-law requires a minimum side yard setback of 6' for a 2 storey building;

as it relates to a proposed addition to a detached dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Shaowei Cheng appeared on behalf of the application. It is for a proposed addition to the existing dwelling.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No A/111/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/112/21

Owner Name: Kennedy McCowan Landowners Group (Clay Leibel)
Agent Name: Kennedy McCowan Landowners Group (Clay Leibel)
62 Liam Lane, Markham
65M4619 BLK 152 UNIT 2R

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

- a) By-Law 2015-6, Section 7.64.2(f):**
a minimum rear yard setback of 4.94 m, whereas the By-law requires a minimum rear yard setback of 6 m;

as it relates to five semi-detached dwelling units in residential development with a private condo road. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The owner Clay Leibel was in attendance at the meeting.

Committee member Sally Yan stated that this development proposal has been before the Committee previously. She notes it has undergone a site plan process and she would support this request here.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No A/112/21 be approved.

Resolution Carried

6. A/113/21

Owner Name: Gopalakrishnan Venkateswaran
Agent Name: Weird Impulse Inc. (Arlotte Noronha)
272 Cornell Park Avenue, Markham
PLAN 65M4375 LOT 67

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

- a) By-law 177-96, Section 7.190.1(a)(ii):**
an accessory dwelling unit, whereas the By-law permits one dwelling unit located above a private garage;

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

The Secretary-Treasurer introduced the application.

The agent Arlotte Noronha appeared on behalf of the application.

Committee member Arun Prasad asked about the staircase to the basement apartment and how someone would be able to access it.

Ms. Noronha stated that there is a rear laneway that would be used to access this rear staircase.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No A/113/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/116/21

Owner Name: Aboulghasem Teymourian
Agent Name: Hub Development Group Ltd (Frida Gao)
47 Kirk Drive, Thornhill
PLAN 4184 LOT 22

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

- a) By-law 2150, Section 6.1:**
a maximum building height of 28.18 ft, whereas the By-law permits a maximum building height of 27.0 ft;

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

The Secretary-Treasurer introduced the application.

The agent Ian Franklin appeared on behalf of the application. In discussions with staff, they have eliminated other variance requests.

Committee member Sally Yan stated she believes this is a minor type proposal.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No A/116/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/122/21

Owner Name: Sujuan Wei
Agent Name: AND Architecture Inc. (Sam Wu)
62 Fred Varley Drive, Markham
PLAN 7566 LOT 358

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

- a) Section 6.1:**
an interior side yard setback of 4 feet (east) and 5 feet (west), whereas the By-law requires an interior side yard setback of 6 feet;
- b) Section 6.1:**
a maximum lot coverage 36.19 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) Section 6.1:**
a maximum building height of 27 feet and 10 5/8 inches (8.5 metres), whereas the By-law permits a maximum building height of 25 feet;

as it relates to a proposed 2-storey dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent David Johnston appeared on behalf of the application. He believes this proposal is consistent with other in-fill dwellings in this neighbourhood.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. He believes this is an overbuild on this lot.

Christiane Beauger-Free of 145 Krieghoff Avenue spoke in opposition to the application. She states that there are flooding issues in this area and the Committee should consider this when assessing in-fill related proposals.

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The Chair asked about a letter of support provided and that the resident agreed to series of conditions.

Mr. Johnston clarified that this resident who provided the letter agreed to staff recommended conditions.

Committee member Jeamie Reingold indicated that she does have issues with the side yard setbacks.

Mr. Johnston responded that the adjacent property-owners are in support of this proposal. He does not believe the setback variance is relevant issue.

Committee member Sally Yan stated that she supports the proposal.

Committee member Jeamie Reingold indicated she supports the proposal, excluding the side yard setback variance.

Moved By: Sally Yan
Seconded By: None

THAT Application No A/122/21 be approved subject to conditions contained in the staff report.

Resolution Failed to Carry

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No A/122/21 be deferred sine die.

Resolution Carried

9. A/124/21

Owner Name: The Sher Corporation (Mark Sivell)
Agent Name: The Sher Corporation (Mark Sivell)
9704 McCowan Road, Markham
CON 6 PT LOT 18 RS64R6311 PART 1

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

a) By-law 177-96, Section 7.628.1 (e):

a minimum lot frontage of 45.7 metres, whereas the By-law requires a minimum lot frontage of 46.0 metres;

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

The Secretary-Treasurer introduced the application.

The owner Shakeel Walji appeared on behalf for the application.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No A/124/21 be approved.

Resolution Carried

10. B/005/21

Owner Name: Romandale Farms Ltd.

Agent Name: RJ Forhan and Associates Inc. (Bart Ryan)

3975 Elgin Mills Road East, Markham

CON 5 PT LTS 24 & 25 65R19400 PT 2

To allow partial discharge of mortgage of a portion of the subject property (approximately 9.11 hectares) that is within the designated Future Urban Neighbourhood. **(North Markham, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Bob Forhan appeared on behalf of the application.

Committee member Sally Yan indicated that she understands the proposal and supports it.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No B/005/21 be approved subject to conditions contained in the staff report.

Resolution Carried

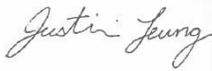
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Adjournment

Moved by Arun Prasad
Seconded by Sally Yan

THAT the virtual meeting of Committee of Adjustment be adjourned 8:30 PM, and the next regular meeting will be held September 22, 2021.

CARRIED



Secretary-Treasurer,

Committee of Adjustment



Chair