



CITY OF MARKHAM
Virtual meeting on zoom

November 10, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 20th 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
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM
Gregory Knight, Chair	7:00PM

Justin Mott, Acting Secretary-Treasurer
Bradley Roberts, Manager-Zoning and Special Projects
Charlotte Wayara, Development Technician

DISCLOSURE OF INTEREST

-none

Minutes: October 20, 2021

THAT the minutes of Meeting No. 19 of the City of Markham Committee of Adjustment, held October 20, 2021 respectively, be

- a) Approved as submitted, on November 10, 2021

Moved By: Patrick Sampson
Seconded By: Arun Prasad

NEW BUSINESS:

1. B/019/21

**Owner Name: Minto Communities Inc. (Anderson Marques)
Agent Name: Minto Communities Inc. (Anderson Marques)
Herman Gilroy Lane, Markham
65M4693 BLOCK 156 BLOCK 7**

To permit:

- a) grant an easement with an approximate lot frontage of 3.00 m (9.84 ft) and an approximate lot area of 162.72 sq m (533.86 sq ft).

The purpose of this application is to grant an easement over Part of Block 156, Plan 65M-4693 being Part 1, Plan 65R-39501. This easement will allow for servicing for the 9400 Kennedy Road property through Block 156 on Plan 65M-4693. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Anderson Marques spoke on behalf of the application.

**Moved By: Tom Gutfreund
Seconded By: Patrick Sampson**

THAT Application No B/019/21 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/089/21

**Owner Name: Jeevaras Sinnadurai
Agent Name: Mr. Indera Jauhari
154 Rizal Avenue, Markham
PLAN 65M3838 LOT 270**

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

- a) **By-law 177-96, Section 6.6.1 (a) (ii):**
an architectural feature (roof cover) to encroach 2.48 m into the required rear yard, whereas the By-law permits a maximum of 2.0 m;

 - b) **By-law 177-96, Section 6.6.3 (a) (I):**
stairs and landings to encroach 2.24 m into a required rear yard, whereas the By-law allows a maximum of 2.0 m;
- as it relates to a proposed rear yard entrance to basement and basement finishing. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Indera Jauhari spoke on behalf of the application.

Committee member Jeamie Reingold believes that this application is appropriate for the area and supports it.

Committee member Sally Yan inquired about 2 feet set back beside the house.

The agent Indera Jauhari responded that there will not be renters in the unit and that only the owner's will be using the basement.

Committee member Arun Prasad inquired about the big canopy over the basement entrance.

The agent Indera Jauhari responded that the elder children would use the basement door.

Chair Gregory Knight explained that this was not a variance to legalize the use for a secondary suit.

Mr. Roberts stated the applicant was intending this unit to remain as a single dwelling unit, and that the rear egress would not be the only egress from the basement. If it was used as an egress, there was both a 0.6 and 1.2 metre side yard setback to provide access to the front.

Committee member Tom Gutfreund stated that this unit was built two years ago and was for family purposes only.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/089/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/125/21**

Owner Name: Shazia Jehanoor and Gul Asiya
Agent Name: Shazia Jehanoor
9 Rock Dove Avenue, Markham
PLAN 65M3478 LOT 31

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

a) By-law 177-96, Section 7.432.1:

a separate accessory dwelling unit on a lot, whereas the By-law permits no more than one (1) dwelling unit on a lot;

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

The Secretary-Treasurer introduced the application.

Iftikhar Noori spoke on behalf of the application.

Committee member Tom Gutfreund was satisfied with the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/125/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/130/21**

Owner Name: Mark Li
Agent Name: Yinghuan Weng
8 Galsworthy Drive, Markham
PLAN 4949 LOT 125

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

- a) **By-law 99-90, Section 1.2 (ii):**
a building depth of 20.72 m, whereas the By-law permits a building depth of 16.80 m;
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 52.9 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **By-law 99-90, Section 1.2 (I):**
a building height of 10.51 m, whereas the By-law permits a building height of 9.80 m;

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

The Secretary-Treasurer introduced the application.

The agent Julius De Ruyter spoke on behalf of the application. Stated the client was prepared to reduce FAR by 100 ft².

Elizabeth Brown of 65 Lincoln Green Drive spoke on the application. She indicated that the variances were not minor and asked for the application to be denied.

The agent Julius De Ruyter responded that the building only occupies 25% of the lot and that the applicant has neighbourhood support.

Committee member Jeamie Reingold thought the house was too big and massive visually. This design does not fit the character of neighbourhood and she would not support the application

Committee member Tom Gutfreund agreed with fellow committee member Jeamie Reingold that the proposal was too big for the area. He would like to see the Floor Area Ratio under 50 sqm.

Committee member Patrick Sampson also would like the proposal to be scoped. He also inquired if there was a TAPP report available and what the status of the preservation of trees.

Mr. Roberts explained that a condition of approval requires that a tree preserving plan be submitted before a building permit is issued.

Committee chair Greg Knight asked about the trees and the driveway

Mr. Roberts stated the driveways are not part of the variance and it would have been reviewed by zoning. The City of Markham also has a tree preservation By-law.

Committee member Arun Prasad asked what the changes would be based on the client's willingness to reduce the size of the home.

The agent Julius De Ruyter responded that he had not spoken with the client about the changes they would make.

Committee member Arun Prasad recommend for deferral.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No A/130/21 be deferred sine die

Resolution Carried

5. A/131/21

Owner Name: Manjeet Morsara
Agent Name: YEJ Studio and Consulting Inc (Amr Robah)
6 Golden Fern Street, Markham
PLAN 65M4257 LOT 28

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 in basement, whereas the By-law permits an accessory dwelling unit only if it is 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 Amr Robah spoke on behalf of the application.

Committee member Tom Gutfreund asked the agent what the purpose of the second unit.

The agent Amr Robah clarified that it would be for rental purposes.

Committee member Sally Yan was satisfied with the proposal.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No A/131/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/134/21

Owner Name: Uzair Ahmed
Agent Name: Varatha Design Associates (Ken Varatha)
303 Elson Street, Markham
PLAN 65M3669 PT BLK 157 RP 65R31598 PT 34

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:**
2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;
- b) By-law 90-81, Section 5.2.1:**
2 unit dwellings, whereas the By-law permits a single family dwelling;
- c) By-law 2008-161, Section 2 b):**
45 units, whereas the By-law permits 41 units;

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

The Secretary-Treasurer introduced the application.

The agent Ken Varatha spoke on behalf of the application.

Committee member Tom Gutfreund would like the 25% soft landscaping included in the conditions of approval.

Mr. Roberts clarified that the 25% only applies to where the occupants use a widening driveway.

The agent Ken Varatha will speak to the applicant about not parking on the hard landscaping.

Committee member Tom Gutfreund approves the application.

Mr. Roberts clarified that it is illegal to park on the hard landscaping, and the City of Markham is working to improve parking enforcement specifically to this issue.

Committee member Tom Gutfreund explained that the applicant has been warned not to park on the hard landscaping.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/134/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/144/21

Owner Name: Sekar Thuraisingam
Agent Name: Varatha Design Associates (Ken Varatha)
364 Cornell Centre Boulevard, Markham
PLAN 65M4375 LOT 85

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

- a) By-law 177-96, Section 6.3.1.4:**
a maximum encroachment of 1.352 m into the required rear yard setback, whereas the By-law permits a maximum encroachment of 0.45 m into any setback area;
- b) By-law 177-96, Section 190.1 a):**
a secondary accessory dwelling unit within the basement of the dwelling, whereas the By-law only permits an accessory dwelling unit above a private garage in either the main building or an accessory building on the same lot.

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

The Secretary-Treasurer introduced the application.

The agent Ken Varatha spoke on behalf of the application.

Committee member Tom Gutfreund believed it is an appropriate proposal here.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/144/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/150/21

Owner Name: Ololade Yetunde Adeyemi and Adeshola Idris Adeyemi
Agent Name: QBS Architects Inc (Saba Al Mathno)
47 Ladyslipper Court, Thornhill
PL M1095 LT 55

The applicant is requesting relief from the requirements of By-law 1767 as amended to permit:

- a) Amending By-law 100-90, Section 1.2 (i):**
a maximum building height of 9.07 m; whereas, the By-law permits a maximum flat roof building height of 8.0 m;
- b) By-law 1767, Section 18 (ii) (b):**
a maximum lot coverage of 34.60 percent (2,595 sq ft); whereas, the By-law permits a maximum lot coverage of 33.33 percent (2,495 sq ft);
- c) By-law 1767, Section 18 (i) (d):**
a minimum west side yard setback of 5'0"; whereas, the By-law requires a minimum side yard setback of 6'0" for a second storey addition;
- d) Amending By-law 100-90, Section 1.2 (iii):**
a maximum building depth of 17.73 m; whereas, the By-law permits a maximum building depth of 16.80 m;

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

The Secretary-Treasurer introduced the application.

The agent Saba Al Mathno spoke on behalf of the application.

Committee member Arun Prasad inquired about the flat roof.

Committee member Greg Knight also inquired about the flat roof design.

The agent Saba Al Mathno clarified that that the dwelling would have a flat roof.

Committee member Tom Gutfreund thanked the agent for providing a rendering of the dwelling and believes the application is suitable for the neighbourhood.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/150/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/153/21

Owner Name: Bakeeshan Kathirchelvan
Agent Name: RK ARCHITECTS INC (ROHIT KUMAR)
168 Smoothwater Terrace, Markham
PLAN 65M4008 LOT 251

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, whereas the By-law permits a single dwelling unit on a lot;

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

The Secretary-Treasurer introduced the application.

The agent Rohit Kumar spoke on behalf of the application.

William To of 170 Smoothwater Terrance was concerned about the parking on the street.

The agent Rohit Kumar responded that there was sufficient amount of parking.

Committee of Adjustment Minutes
Wednesday, November 10, 2021

Committee member Sally Yan brought attention that wider issues are transpiring because of the basement apartments. Many are By-law enforcement issues. However, she supports the application.

Moved By: Sally Yan
Seconded By: Tom Gutfreund

THAT Application No A/153/21 be approved subject to conditions contained in the staff report.

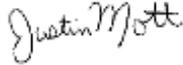
Resolution Carried

Adjournment

Moved by Sally Yan
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned xx PM, and the next regular meeting will be held November 24, 2021.

CARRIED



Acting Secretary-Treasurer,
Committee of Adjustment



Chair