



CITY OF MARKHAM
Virtual meeting on zoom

November 24, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 21st 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
Kelvin Kwok	8:00PM
Gregory Knight, Chair	7:00PM
Sally Yan	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Aleks Todorovski, Planner I, Zoning and Special Projects

DISCLOSURE OF INTEREST

Minutes: November 10, 2021

THAT the minutes of Meeting No. 20 of the City of Markham Committee of Adjustment, held November 10, 2021 respectively, be

- a) Approved as submitted, with editing on page 5 to correct typo, on November 24, 2021

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

PREVIOUS BUSINESS:

1. **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 5 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 34.96 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6.1:**
a maximum building height of 26'10" (8.18 m), 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. The building height has been reduced and exterior design has also been changed.

Committee member Tom Gutfreund indicated that sufficient changes have now been made to the proposal. He believes the proposal will be compatible for this neighbourhood.

Committee member Jeamie Reingold also stated proposal will be compatible for this neighbourhood context.

Committee member Arun Prasad indicated the revised proposal was done appropriately by the client's architect Mr. Johnston.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

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

Resolution Carried

NEW BUSINESS:

1. A/054/20

**Owner Name: Markham Village Shoppes Ltd. (Rob Kansun)
Agent Name: Weston Consulting (Nick Rhamey-Smith)
60 Main Street North, Markham
PLAN 18 BLK P PT LOTS 9 TO 12 PLAN 18 PT BLK O 64R4895 PT 1**

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

a) By-law 1229, Section 7.1 (b):

a Place of Amusement, whereas the By-law does not permit the use;

as it relates to an existing video game arcade. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Jane McFarlane appeared on behalf of the application. The principle reason this minor variance is required is due to video game arcade not listed as permitted use in Zoning By-law.

Committee member Tom Gutfreund stated he believes it's a complimentary use for the subject building. He inquired as to why the application has been active since 2018.

Ms. McFarlane responded that this establishment had been operating as a bar-type use. However, City By-law Officers indicated the use here is not Zoning compliant. At the time they initially submitted the application, the pandemic occurred so they placed a hold on the application and re-activated it recently. The parking for this site will be sufficient for this use as well.

Committee member Sally Yan asked about exact location of the use. The unit in question has entrance onto Main Street which has connection to rear of this building.

Committee member Jeamie Reingold asked the demographic which visits this establishment

The owner Tony Paul responded it is people of a variety of age groups.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/054/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. B/014/21

Owner Name: Reza Razzagh
Agent Name: Ezed Architects (Sanaz Nouri)
68 Sprucewood Drive, Thornhill
PLAN 2368 LOT 86 65R38829 PARTS 1 AND 2

For provisional consent to:

- a) sever and convey a parcel of land with an approximate lot area of 10,000 square feet, and a lot frontage of 15.24 metres (Part 1);
- b) retain a parcel of land with an approximate lot area of 10,000 square feet, and a lot frontage of 15.24 metres (Part 2).

This serves as a re-application for consent B/01/19, which was approved by the Committee of Adjustment but lapsed due to unfulfilled conditions of approval. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Elmira Zarrabi appeared on behalf of the application. They have needed to re-apply for consent (severance) due to conditions not satisfied within 1-year timeframe.

Yasmin Samji of 70 Sprucewood Drive opposed the application. She addressed concerns such as floodwater and sewage in the area. She also raised concerns about street racing in the area.

The Chair asked if the consent application met Zoning By-law requirements.

Ms. Zarrabi responded it does.

Committee member Tom Gutfreund recommended Ms. Samji speak with Councillors to address the street racing issues.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No B/014/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/095/21

Owner Name: Chih Shou Chu
Agent Name: H&L Bilateral Design Inc. (Brian Hu)
41 Hewlett Crescent, Markham
PLAN 65M2269 PT LTS 47,48 RS65R7807 PART 34

The applicant is requesting relief from the requirements of By-law 134-79 as amended to permit:

a) By-law 134-79, Section 7.2:

a maximum lot coverage of 35.95 percent, whereas the By-law permits a maximum lot coverage of 33.3 percent;

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

The Secretary-Treasurer introduced the application.

The owner Chih Shou Chu appeared on behalf of the application.

Committee member Sally Yan asked for background information on this proposal.

Mr. Chu stated that the porch was built 3 years ago. They subsequently found it didn't meet Zoning requirements.

Committee member Patrick Sampson stated he supports the application.

Moved By: Sally Yan
Seconded By: Patrick Sampson

THAT Application No A/095/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/128/21**

Owner Name: Meng Cui
Agent Name: Custom CADD Inc (Philippe Lamadeleine)
8 Jonquil Crescent, Markham
PLAN 4949 LOT 144

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

- a) **By-law 99-90, Table C (d):**
a maximum net floor area ratio of 49.0 percent, whereas the By-law permits a maximum net floor area ratio of 45.0 percent;
- b) **By-law 99-90, Table C (b):**
a maximum building depth of 24.35 m, whereas the By-law permits a maximum building depth of 16.80 m;
- c) **By-law 99-90, Section 1.2 (I):**
a maximum building height of 11.10 m, whereas the By-law permits a maximum building height of 9.80 m;

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

The Secretary-Treasurer introduced the application.

The agent Philippe Lamadeleine appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition of the application. She is concerned about the net floor area ratio. She states the open to below for this proposed house should be reduced.

Mr. Lamadeleine then provided photograph study of other in-fill houses of the neighbourhood.

Committee member Jeamie Reingold raised issues about compatibility in neighbourhood for this proposal.

The Chair raised issues about the massing here. He believed the front elevation could be revised.

Mr. Lamadeleine indicated they could look at reducing the roof height.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/128/21 be deferred sine die.

Resolution Carried

5. **A/143/21**

Owner Name: Chitravel Velayutham
Agent Name: KBK Studios Inc. (Kyle Khadra)
18 Berger Avenue, Markham
PLAN 65M3976 LOT 99

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 no more than one dwelling unit on a lot;
- b) **By-law 177-96, Section 5.1, Table B2(e):**
a minimum interior side yard setback of 0.36 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). **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Kyle Khadra appeared on behalf of the application. He notes the drawings in the staff report do not show the landing.

Committee member Tom Gutfreund asked if the basement apartment is finished. He also inquired about the games room in the house and if the owner is residing in the house.

Mr. Khadra responded the games room is for the owner's family use and the owner will be residing here.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No A/143/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/151/21

Owner Name: Marleen Elizabeth Loomans
Agent Name: Maryam Azimi
21 Whiteoak Court, Markham
PLAN M1879 PT LT 244 66R11535 PT 1

The applicant is requesting relief from the requirements of By-law 162-78 as amended to permit:

- a) **By-law 162-78, Section 6.1:**
one accessory dwelling unit, whereas the By-law permits one dwelling unit per lot;
- b) **By-law 28-97, Section 3.0:**
a minimum of two parking spaces, whereas the By-law permits three parking spaces;

as it relates to proposed secondary suite (basement apartment). **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Maryam Azimi appeared on behalf of the application. She indicated that there is parking in the garage but it does not meet parking length as per the Zoning By-law.

Roya Ali-Khanbegi of 73 Major Buttons Drive asked what type of rental this is.

The Chair indicated it would be long term rental.

Committee member Tom Gutfreund indicated he has seen parking for rent in residential neighbourhoods now.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/151/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/160/21**

Owner Name: George Samir
Agent Name: Homeland (Arjang Behesht)
60 Peter Street, Markham
PLAN 3905 LOT 28

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

- a) By-law 1229, Section 11.2 (c) (I):**
a porch to encroach 23 inches into the required yard, whereas the By-law permits a maximum of 18 inches into the required yard;
- b) By-law 28-97, Section 6.2.4.5 (a) (I):**
a lot with circular driveway to have a front yard building setback of 7.62 m, whereas the By-law permits minimum of 8.0 m;
- c) By-law 142-95, Section 2.2 (b) (I):**
a deck to project into the rear yard 5.49 m, whereas the By-law permits a maximum of 3.0 m;
- d) Amending By-law 99-90:**
a maximum floor area ratio of 50.0 percent, whereas the By-law permits a maximum of 45.0 percent;

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

The Secretary-Treasurer introduced the application.

The agent Arjang Behesht appeared on behalf of the application. Mr. Behesht argues that the floor area ratio variance request is not atypical in this neighbourhood.

Fred Dawson of 33 Carpenter Court spoke in opposition to the application. He is concerned about privacy concerns.

Mark Stoodley of 35 Carpenter Court spoke in opposition to the application. He is concerned about larger houses being built in the neighbourhood.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She raised concern about the massing proposed here.

Antonio Petti of 31 Carpenter Court spoke in opposition to the application. He didn't support the house at 58 Peter Street.

The Chair asked if tree study has been done, as recommended by staff.

Mr. Behesht stated that they have commenced this work with Operations staff.

Committee member Tom Gutfreund indicates he believes this is too large a proposal.

Committee member Jeamie Reingold is concerned about the neighbourhoods character

Moved By: Arun Prasad

Seconded By: Tom Gutfreund

THAT Application No A/160/21 be deferred sine die.

Resolution Carried

8. B/012/21

Owner Name: AKSM Properties Inc.

Agent Name: MHBC Planning (Andrew Palumbo)

Victoria Square Boulevard, Markham

CON 4 PT LOT 27 RP 65R32174 PART 5

For provisional consent to:

The proposed severance will result in the creation of Parts 1 through 3 that will be 22.91 ha (56.61 acres) in size for the "Severed" lands and Part 4 that will be 14.27 ha (35.26 acres) in size for the "Retained" lands. In conjunction with the proposed severance, a "blanket easement" over the Parts 1 through 3 (Severed) lands in favor of the Part 4 (Retained) lands is to be granted in order to maintain the existing lot frontage on George Peach Avenue, and to maintain vehicular and pedestrian access to the Part 4 (Retained) lands. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Andrew Palumbo appeared on behalf of the application. The severance is to prepare the lands for future residential and employment type development.

Committee member Tom Gutfreund stated that this is to facilitate for future development and would be appropriate.

The Chair asked about the easement.

Mr. Palumbo stated it will be a blanket easement on the subject property.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No B/012/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/159/21

Owner Name: AKSM Properties Inc.
Agent Name: MHBC Planning (Andrew Palumbo)
Victoria Square Boulevard, Markham
CON 4 PT LOT 27 RP 65R32174 PART 5

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

a) By-law 304-87, Section 2.0:

a lot without frontage on a street, whereas the By-law requires a lot to front on a street;

as it relates to proposed residential development of these subject lands (relates to consent application B.012.21). **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/159/21 be approved subject to conditions contained in the staff report.

Resolution Carried

New business:

Manager, Zoning and Special Projects, Bradley Roberts, provided an update to the Committee on the Committee of Adjustment (COA) member remuneration report which had gone to City Council. The current remuneration remains unchanged but Committee members will now be paid per meeting attended. He also indicated that

Committee of Adjustment Minutes
Wednesday, November 24, 2021

Secretary-Treasurer, Committee of Adjustment, Justin Leung, will be departing the City.

Adjournment

Moved by Tom Gutfreund
Seconded by Jeamie Reingold

THAT the virtual meeting of Committee of Adjustment be adjourned 9:26 PM, and the next regular meeting will be held December 8, 2021.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair