



CITY OF MARKHAM
Virtual meeting on zoom

December 8 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 22nd 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
Kelvin Kwok	7:00PM
Gregory Knight, Chair	7:00PM
Sally Yan	7:00PM

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

Regrets
Arun Prasad

DISCLOSURE OF INTEREST

Minutes: November 24, 2021

THAT the minutes of Meeting No. 21 of the City of Markham Committee of Adjustment, held November 24, 2021 respectively, be

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

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

PREVIOUS BUSINESS:

1. B/07/18

**Owner Name: Lui Hui
Agent Name: In Roads Consultants (Ida Evangelista)
14 Ramona Boulevard, Markham
CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2**

For provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 7.9 m² and area of 569.11 m² (Part 1);
- b) retain a parcel of land with approximate lot frontage of 27.67 m and area of 1057 sqm (Part 2).

The purpose of this application is to create a new residential lot. This application is related to minor variance applications A/95/18 and A/96/18.
(Heritage District, Ward 4)

The Secretary-Treasurer introduced the application.

The agent Ida Evangelista appeared on behalf of the application. They have needed to reappear at Committee because the file was deferred in March of 2021. The agent presented updated plans and changes based on Committee and community feedback.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She is concerned about the trees, the narrow driveway, and the severance overall. The heritage property should be preserved.

Ward 4 Councillor Karen Rea reminded the Committee about the heritage committee's inability to decide on this property at the Heritage Markham Committee meeting. She also does not want to see two dwellings built on this property because it is not permitted in the City of Markham. She wants the current dwelling preserved, and she does not support this application.

The agent Ida Evangelista responded that severance is needed to have the second dwelling, and the application cannot move forward without it.

Laura Galati from 15 Sir Constantine Drive stated that the frontage does not meet the By-law. In addition, the driveway location could create many problems on Ramona Boulevard, and it may appear that it looks like a private road. Laura also believes there is a potential for the garage to be turned into another dwelling, creating potentially three separate dwellings on the property.

Committee member Tom Gutfreund agrees with most of the speaker's list comments. Highlighted that the home could be sold soon. Preserving the home is better than allowing the property to be carved apart, ultimately allowing a valuable heritage home to be enjoyed by the local community.

Committee member Jeamie Reingold agrees with Tom. She explains that the City of Toronto had got to a point where they needed to preserve Heritage properties, and so has the City of Markham. Therefore, she does not support this application.

Committee member Sally Yan highlighted that Heritage properties need to be preserved in the City of Markham. However, she does not support this application.

Committee chair Greg Knight asked the applicant if the application had changed since the last committee meeting.

The agent Ida Evangelista stated no, and that Heritage Markham recommended this layout of the plans, so no additional changes were made.

Committee member Tom moved for refusal of all three applications.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No B/07/18 be refused

Resolution Carried

2. A/95/18

Owner Name: Lui Hui
Agent Name: In Roads Consultants (Ida Evangelista)
14 Ramona Boulevard, Markham
CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2

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

- a) By-law 1229, Section 11.1:**
a lot frontage of 26 feet, whereas the By-law requires a minimum lot frontage of 60 feet;
- b) By-law 1229, Section 11.1:**
a minimum lot area of 6,125 sqft, whereas the By-law requires a minimum lot area of 6,600 sqft;

c) By-law 1229, Section 11.1:

a minimum rear yard of 23 feet and 3 inches, whereas the By-law requires 25 feet;

d) Parking By-law 28-97, Section 6.2.4.4 a) i):

a driveway to be located 1 foot 6 inches from an interior side lot line, whereas the By-law requires a minimum setback of 4 feet;

as it relates to a proposed single family dwelling (Part 1). This application is related to consent application B/07/18 and minor variance application A/96/18. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson

Seconded By: Sally Yan

THAT Application No A/095/18 be refused

Resolution Carried

3. A/96/18

Owner Name: Lui Hui

Agent Name: In Roads Consultants (Ida Evangelista)

14 Ramona Boulevard, Markham

CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2

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

a) Infill By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 45.52 percent, whereas the By-law permits a maximum of 45 percent;

b) Table 11.1:

a minimum front yard of 12.27 feet, whereas the By-law requires 25 feet; as it relates to a proposed detached garage addition to the existing residential dwelling (Part 2).

This application is related to consent application B/07/18 and minor variance application A/95/18. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson

Seconded By: Jeamie Reingold

THAT Application No A/096/18 be refused

Resolution Carried

NEW BUSINESS:

1. A/086/21

**Owner Name: Tina Baghdssarians
Agent Name: Trenton Drafting and Design (Dale Theriault)
45 Pringle Avenue, Markham
PLAN M1385 LOT 37**

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 height of 10.84 m, whereas the By-law permits a maximum height of 9.8 m;
- b) Amending By-law 99-90, Section 1.2 (iii):**
a maximum depth of 18.29 m, whereas the By-law permits a maximum depth of 16.8 m;
- c) Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 54.34 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- d) Section 11.2 (c) (i):**
a covered porch and stairs to encroach 31" into the required front yard, whereas the By-law permits a maximum encroachment of 18";

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

The Secretary-Treasurer introduced the application.

The agent Dale Theriault appeared on behalf of the application.

Ward 4 Councillor Karen Rea stated that the proposal should align more with the City of Markham's infill By-law. In addition, she stated that the open to below for this proposed house should be reduced because the statistics seem to be wrong.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She is concerned about the net floor area ratio. She states the open to below for this proposed house should be reduced. She highlighted that the cabana might have uncounted portions. She also stated that she would like a reduction of all variances listed.

Mr. Theriault responded that he was unaware of the local ratepayer's associations.

Elizabeth Brown stated that she reviewed the agenda, reports, and emails from all of the members of the ratepayers. She requests ratepayer members to forward any concerns they may have, and she will present them at the committee meeting.

Committee member Patrick Sampson states that this house does not fit into the current neighbourhood and should be revised.

Committee member Tom Gutfreund agrees with the comments to date. However, he does not feel that this application passes the four tests. The massing of the building is overly large, and the over to below creates a massive structure and does not support the application as it stands.

Committee chair Greg Knight questions the gross floor area and believes the proposal is totally out of character for this street.

Mr. Theriault responded that he had researched previous committee applications in the City of Markham.

Committee Chair Greg Knight clarified that Committee does not work on precedence.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/086/21 be deferred sine die

Resolution Carried

2. A/154/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
10 Waterleaf Road, Markham
65M4544 LOT 101

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) (iii):**
two parking spaces, whereas the By-law requires three parking spaces;

as it relates to a proposed dwelling part of a new subdivision. **(East District, Ward 5)**

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The Secretary-Treasurer introduced the application.
The agent Joel Seider appeared on behalf of the application.

Committee member Tom Gutfreund asked for clarification on parking and the variance requested for the coach house.

Mr. Seider responded yes.

Committee member Patrick Sampson supports the application.

Kevin Kwok inquired about the utility cut-out for a potential EV charging station.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/154/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/155/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
8 Waterleaf Road, Markham
65M4544 LOT 100

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) (iii):**
two parking spaces, whereas the By-law requires three parking spaces;
- as it relates to a proposed dwelling part of a new subdivision. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No A/155/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/161/21**

Owner Name: Hong Zhuang
Agent Name: FDL Design and Construction Inc. (Lin Lan)
136 Grandview Avenue, Thornhill
PLAN M835 PT BLK A PLAN R617 PART 7

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

- a) **By-law 101-90, Section 1.2 (I):**
a maximum building height of 9.45 m, whereas the By-law permits a maximum building height of 8.6 m;
- b) **By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55.2 percent (3680 sqft), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3229 sqft);

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

The Secretary-Treasurer introduced the application.

The agent, Victor Lan, appeared on behalf of the application.

Sharon Zong of 134 Grandview is the neighbour, and she is concerned about the location of the proposed dwelling; specifically, it will be parallel to their backyard. It will create a shadow, tree, and privacy problem.

Mr. Lan responded to the question about the house being pushed back and why the first floor is so high. He stated that the family needs more space and height to enjoy the space.

Committee member Tom Gutfreund highlighted that the variances brought forward did not relate to the building depth, which conforms to the By-law. He also inquired about potential privacy options.

Elizabeth Brown of 65 Lincoln Green Drive highlighted the Official Plan.

Manager of Zoning & Special Projects Brad Roberts clarified that the front setback is currently minimum for the By-law permits; if the applicant wanted to move the dwelling forward, they would need a variance.

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Committee member Sally Yan inquired why the planner did not bring forward the additional variance to reduce the front yard setback, which may be appropriate to better align with existing houses.

Committee member Jeamie Reingold asked the applicant to think about the setback vs. the massing of the dwelling.

Mr. Lan responded that the property lines become narrower if they move house. Therefore, the side yard setback might not comply with the zoning By-law.

Committee member Tom Gutfreund inquired if there is a willingness to move the house forward and adjust the side yard. If they were to make the adjustments, Committee could agree to approve the applications only if the clients agree.

Committee chair Greg Knight suggested that a deferral may be needed to adjust the variances.

Committee member Tom Gutfreund agrees that revised plans are needed.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/161/21 be deferred sine die

Resolution Carried

5. A/166/21

Owner Name: Sara Rahimi
Agent Name: Ali Shams
51 Sprucewood Drive, Thornhill
PLAN 3667 LOT 12

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

- a) By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55.0 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent;
- b) By-law 101-90, Section 1.2 (I):**
a maximum flat roof building height of 8.20 m, whereas the By-law permits a maximum building height of 8.0 m;

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

The Secretary-Treasurer introduced the application.

The agent Ali Shams appeared on behalf of the application.

Joan Honsberger of 60 Elgin Street inquired about the City of Markham's Bird-Friendly Guidelines and if they would be applied to this property.

Committee member Patrick Sampson was concerned about the open to below.

Committee member Tom Gutfreund spoke and inquired about the neighbouring structure that is very large in scale.

The agent Ali Shams responded that the CN Rail had provided comments and would be implemented into the designs.

Committee member Sally Yan does not have a problem with the proposal and supports it.

Manager of Zoning & Special Projects Brad Roberts clarified that the Bird Friendly Guidelines apply within Site Plan approval. However, this property does not fall under a Site Plan Control area. Therefore, the guidelines would be forwarded to the applicant.

Joan Honsberger of 60 Elgin Street would like something done to enforce the bird guidelines on the windows of this proposal.

Tom Gutfreund moves the application for approval subject to conditions.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/166/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/167/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
557 White's Hill Avenue, Markham
65M4544 PT BLK 124

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

- a) **By-law 177-96, Section 6.3.1.7 (b):**
a maximum lot coverage of 18.70 percent, whereas the By-law requires a maximum lot coverage of 18.0 percent;

as it relates to a proposed semi-detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Joel Seider appeared on behalf of the application.

Committee member Jeamie Reingold considers this application to be minor and supports this application.

Committee member Kelvin Kwok supports the application.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/167/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/171/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
559 White's Hill Avenue, Markham
65M4544 PT BLK 125

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

- a) **By-law 177-96, Section 6.3.1.7 (b):**
a maximum lot coverage of 18.70 percent, whereas the By-law requires a maximum lot coverage of 18.0 percent;

as it relates to a proposed semi-detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/171/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. B/025/21

Owner Name: Tung Kee Investment Canada Ltd.
Agent Name: MHBC Planning Limited (Celeste Salvagna)
3143 19th Avenue, Markham
CON 4 PT LOT 30

The purpose of the proposed severance is to create a separate parcel of land to be developed as a Film Studio in accordance with the MZO applying to the lands. The applicant is requesting provisional consent to:

- a) collectively sever and convey a parcel of land being Parts 1 to 7 with an approximate lot area of 264,401.56 sq m as shown in the Draft R-Plan (Parts 1 and 2 being a future road widening to be conveyed to the City);
- b) to collectively retain a parcel of land being Parts 8 and 9 with an approximate lot area of 138,228.72 sq m as shown in the Draft R-Plan;
- c) create easements for access and servicing in favour of Parts 6 and 7 over Part 8.

(North Markham District, Ward 2)

The Secretary-Treasurer introduced the application.

The agent David McKay appeared on behalf of the application.

Committee member Tom Gutfreund supported the application but asked why they put the project in this area with an MZO.

David McKay clarified that the MZO was needed to secure the film studio and that the on-demand streaming services and online video content are in demand.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

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THAT Application No B/025/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of Committee of Adjustment be adjourned at 9:13 PM, and the next regular meeting will be held on January 19, 2022.

CARRIED



Acting Secretary-Treasurer,
Committee of Adjustment



Chair