



CITY OF MARKHAM
Virtual meeting on zoom

November 18, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 22nd regular meeting of the Committee of Adjustment for the year 2020 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Jeemie Reingold	7:00PM
Tom Gutfreund	7:00PM
Patrick Sampson	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Justin Mott, Development Technician
Aleks Todorvoski, Planner I-Zoning and Special Projects

Regrets
Gregory Knight

DISCLOSURE OF INTEREST

None

Minutes: November 4, 2020

THAT the minutes of Meeting No. 21 of the City of Markham Committee of Adjustment, held November 4, respectively, be

- a) Approved as submitted, on November 18, 2020.

-change Secretary-Treasurer to Justin Mott

-change Acting Chair to Tom Gutfreund

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

PREVIOUS BUSINESS

1. A/013/20

Owner Name: Zhang Yandan
Agent Name: Impressions Group (Newry Shao)
95 Parkway Ave, Markham
PLAN M1378 LOT 98

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 (i):

a maximum floor area ratio of 49.7 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

b) By-law 1229, Section 11.1:

a minimum front yard setback of 24 ft 8 in, whereas the By-law requires a minimum front yard setback of 25 ft;

c) By-law 1229, Section 11.2.(c)(i):

an uncovered stairs to encroach 3ft into the required front yard, whereas the By-law requires a maximum encroachment of 18 in into any required yard;

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

The Secretary-Treasurer introduced the application.

The agent Ida Evangelista appeared on behalf of the application. She indicated that several modifications have been made to the proposal taking into account comments from residents. She believes the proposal meets the four tests for minor variance.

Stephen Ames of 93 Parkway Avenue made comment to confirm dimensions of the new proposed house.

Ms. Evangelista confirmed the setback has been improved on the side of property which abuts Mr. Ames.

Committee member Sally Yan indicated it appears changes were made to incorporate neighbourhood comments and concerns. She believes constructive discussions have occurred between the applicant and residents.

Committee member Patrick Sampson asked about the front porch of proposal.

Ms. Evangelista indicated that part of the proposal has been removed.

Moved By: Sally Yan

Seconded By: Jeamie Reingold

THAT Application No A/013/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/021/20

Owner Name: Sheng Huang
Agent Name: Jiawei Gu
298 Main Street Unionville
CON 5 PT LOT 14 RS65R14006 PART 1

The applicant is requesting relief from the requirements of By-law 122-72 as amended to permit:

a) Bylaw 122-72, Section 11.1:

To permit an accessory dwelling unit, whereas only single family detached dwelling is allowed.

b) By-law 29-97, Section 6.1.1 b) and 6.1.2 b):

To permit minimum parking space of 2.6 m x 5.63 m inside private garage whereas minimum of 2.6 m x 5.8 m is required.

as it relates to an accessory dwelling located in the basement of the subject property.
(Heritage District, Ward 3)

The Secretary-Treasurer introduced the application.

The agent Jiawei Gu appeared on behalf of the application.

Ted Baker of 8 Hedgewood Drive raised concerns about rental properties in the neighbourhood. He wants to ensure there won't be issues with the approval of this application.

Committee member Arun Prasad asked when the property was purchased by the owner.

Mr. Gu responded it was around 2010.

Committee member Jeamie Reingold stated that proximity to school may raise issues with allowing this secondary suite.

Mr. Gu stated there are 2-3 persons living in the basement and family of 4 on the first floor and doesn't believe there are substantial traffic issues.

Committee member Kelvin Kwok commented that the proximity of the secondary school is concerning.

Mr. Gu responded that he does not believe the suite will create negative impacts.

Committee member Sally Yan asked how many entrances to the basement apartment.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No. A/021/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

2. A/051/20

Owner Name: Sasha Lazarou
3 Sir Ector Crt, Markham
PLAN M1377 LT 18

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 net floor area ratio of 49.97%; whereas the by-law permits a maximum of 45%.

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

The Secretary-Treasurer introduced the application.

The agent Miaoyi Xue spoke on behalf of the application. They are only requesting the floor area ratio variance.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She believes the variance request is misleading and does not genuinely depict the overall impact of the building footprint at the street level. She contends the mass and scale does not complement the character of the existing neighbourhood.

Phil Brown of 8 Sir Ector Court spoke on the application. He believes any infill in the area needs to be done appropriately. The 3 car garage could be reduced to 2 car garage. He believes there can be changes to the proposal that can make it more complimentary to the neighbourhood.

Janice DeRoy of 5 Sir Ector Court asked if the building siting could be changed to be more centered.

Councillor Rea spoke on the application. She indicated this is the first infill house of the neighbourhood so careful consideration of the proposal needs to be done.

Mia explained that other than the variance request, attempts have been made to make the proposal complimentary. The 5 bedrooms is due to the applicants growing family.

The Chair commented that he believes the house is too large for this lot. He also is concerned about the numbers on the drawings.

Committee member Jeamie Reingold stated that this is the first infill house, and they want to achieve a successful proposal. She believes further work on the proposal is appropriate.

Committee member Sally Yan raised concerns that the proposal is too large for this lot.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

THAT Application No A/051/20 be deferred sine die.

Resolution Carried

3. A/079/20

Owner Name: Tracy Ng
Agent Name: KCCL Architect Inc (Kelvin Lo)
15 Bellcroft Ln, Markham
PLAN 65M4013 LOT 114

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

a) By-law 28-97, Section 3:

2 parking spaces, whereas the By-law requires minimum of 3 parking spaces as it relates to proposed laneway house at rear of property. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Kelvin Lo appeared on behalf of the application.

Committee member Patrick Sampson asked about the parking reduction.

Mr. Lo responded that there is a transformer near the laneway house. As such, this inhibits their ability to add another parking space.

Committee member Kelvin Kwok asked how the coach house will be used.

Mr. Lo stated the owner intends for in-laws to reside at coach house and will not need to regularly use a vehicle.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/079/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/086/20

Owner Name: Qi Zhou
Agent Name: Prohome Consulting Inc (Shahramb (Sean) Khatibzadeh)
6 Sherwood Forest Dr, Markham
PLAN 5810 LOT 239

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):

allow a floor area ratio of 49.79 %; whereas the By-law permits maximum floor area ratio of 45%

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

The Secretary-Treasurer introduced the application.

The agent Claudio Brutto appeared on behalf of the application. They have a proposal now for a single garage door to access a 2 car garage. Attempts were made to minimize the impact of the proposal to the neighbourhood.

Pamela Greenwood of 8 Sherwood Forest Drive spoke on the application. She is concerned of the proposal and the overall exterior façade. She is also noting a tree which may be impacted by potential construction. Compensation should be provided for any injury to this tree if it occurs.

Elizabeth Brown of 65 Sherwood Forest Drive spoke in opposition to the application. Ms. Brown provided a visual showing other infill homes of the area. She indicated most were built in accordance with Zoning By-law requirements. There is a balcony on the second floor which is concerning as it could overlook onto neighbouring houses.

Mr. Brutto responded that a revised arborist report was done to address Ms. Greenwood's comments. As such, the tree on site will more likely not be impacted. The architect advised him that the building siting is in the centre of the property. Few trees will be removed on site.

Committee member Jeamie Reingold recognizes comments of Ms. Brown and that slight changes may achieve a more appropriate proposal.

Committee member Sally Yan asked if second floor balcony be removed.

Mr. Brutto indicated they could do that. They indicated they would revise it to be a julliette balcony.

Moved By: Sally Yan
Seconded By: Patrick Sampson

THAT Application No A/086/20 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/101/20**

Owner Name: Wendy Maduri
Agent Name: Gary Stein Architect (Gary Stein)

**1 Spirea Crt, Thornhill
PLAN M899 LT 41**

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

- a) Section 14(i)(c):**
a minimum front yard setback of 26.9 feet (8.2 metres); whereas, the by-law requires a minimum front yard setback of 35 feet (10.67 metres);
- b) Infill By-law 100-90; Section 1.2(i):**
a maximum building height of 10.1 metres; whereas, the By-law permits a maximum building height of 9.8 metres;
- c) Infill By-law 100-90, Section (iii):**
a building depth of 20.73 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- d) Section 14 (i)(e):**
a rear yard setback of 44.7 feet, whereas the By-law requires a minimum rear yard setback of 50 feet;

as it relates to a proposed dwelling that is under construction. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Janice Robinson spoke on behalf of the application. Two variances had to be re-applied for. The neighbourhood is witnessing a gradual transition to newer in-fill houses.

**Moved By: Patrick Sampson
Seconded By: Arun Prasad**

THAT Application No A/101/20 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/102/20

**Owner Name: Forest Bay Homes Ltd. (Clay Leibel)
Agent Name: Southoak Estates Inc. (Clay Leibel)
6350 Steeles Ave, Markham
CON 8 PT LT 3 65R15734 PT PT 1 & PT 2**

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

- a) Amending By-law 2015-6, Section 7.64.1 h):**
to permit a minimum setback of 6 m, whereas the By-law requires a minimum setback of 7 m from an Open Space Zone;
- as it relates to 34 proposed semi-detached dwelling units (BLK 152). **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The applicant Clay Liebel spoke on behalf of the application.

Committee member Patrick Sampson stated he understands why the variance was being sought for these lots.

Committee member Kelvin Kwok asked why this issue wasn't identified with the earlier rezoning application.

Mr. Liebel stated it was an administrative error which occurred.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/102/20 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/104/20

Owner Name: Orang Yazdani and Giselle Braganza
Agent Name: Orang Yazdani
102 Highland Park Blvd, Thornhill
PLAN 2446 LOT 164

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

- a) Infill By-law 101-90, Section 1.2 (vii) - Building Depth:**
to permit a maximum floor area ratio of 53.3 percent (3,528 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,313 sq.ft.);

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

The Secretary-Treasurer introduced the application.

The applicant Orang Yazdani appeared on behalf of the application.

Committee member Jeamie Reingold asked if there is a garage with the proposal.

Mr. Yazdani stated that there will be.

Moved By: Sally Yan

Seconded By: Jeamie Reingold

THAT Application No A/104/20 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/106/20

Owner Name: Sherri-Lee O'Hanlon

Agent Name: Gregory Design Group (Shane Gregory)

41 Elm St, Markham

PLAN 4292 LOT 17 TO 18

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

a) By-law 1229, Sec. 1.2(iii):

to allow a building length of 22.8 m; whereas the by-law allows a length of 16.76 m

b) By-law 1229, Sec. 1.2 (vi):

to allow net floor area ratio of 54.5% whereas the by-law allows a floor area ratio of 45%

c) By-law 1229, Sec. 1.2(l):

to allow a building height of 10.21 m; whereas the by-law allows a height of 9.8 m;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He indicated that they were willing to reduce the floor area ratio to 52%. There have been several letters of support.

Louie Shoukas of 36 Elm Street spoke in support of the application.

Councillor Karen Rea spoke in support of the application. She indicated that changes to the proposal were made in consultation with the applicant.

Committee member Patrick Sampson commented on the open to below space.

Peter Malinos of 40 Elm Street spoke in support of the application. He believes it is consistent for the neighbourhood.

Committee member Jeamie Reingold believes the proposal is appropriate for the neighbourhood characteristics.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/106/20 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/094/20

Owner Name: Weins Canada Inc.
Agent Name: Macaulay Shiomi Howson (Nick Pileggi)
205 Torbay Rd, Markham
PLAN 9001 Lots 81-82

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

- a) By-law 108-81, Section 7.1.1:**
interim motor vehicle sales establishment, up to 18 months; whereas the by-law does not permit this use;

as it relates to a proposed interim motor vehicle sales facility. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Nick Pileggi appeared on behalf of the application. This is to permit an interim/temporary auto sales centre. There will be no new outdoor vehicle storage. This is to allow them to transition to newly constructed auto centre on Woodbine Avenue. It is also due to the pandemic that this request is needed.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No A/194/20 be approved subject to conditions contained in the staff report.

Resolution Carried

-Staff indicated that an appeal to the Local Planning Appeal Tribunal (LPAT) was received for minor variance A/081/20 - 201 Helen Avenue.

Adjournment

Moved by Kelvin
Seconded by Arun

THAT the virtual meeting of Committee of Adjustment be adjourned at 9:52 PM, and the next regular meeting will be held December 2, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair (Acting)