



CITY OF MARKHAM
101 Town Centre Boulevard
Markham, Ontario
Council Chambers

February 19, 2020
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 3rd regular meeting of the Committee of Adjustment for the year 2020 was held at the time and place above with the following people present:

	<u>Arrival Time</u>
Jeamie Reingold	7:30PM
Tom Gutfreund	7:30PM
Patrick Sampson	7:30PM
Gregory Knight, Chair	7:30PM
Kelvin Kwok	7:30PM
Arun Prasad	7:30PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Melissa Leung, Development Technician

Regrets
Sally Yan

Minutes: February 5, 2020

THAT the minutes of Meeting No. 2 of the City of Markham Committee of Adjustment, held February 5, 2020 be

- a) Approved as submitted, on February 19, 2020

Moved By: none
Seconded By: none

-Some members did not receive these minutes so these will be circulated again to the members.

Resolution Failed to be Carried

DISCLOSURE OF INTEREST

None

PREVIOUS BUSINESS

1. A/107/19

**Owner Name: Peng Fei Cao
Agent Name: In Roads Consultants (Ida Evangelista)
147 Fitzgerald Ave, Markham
PLAN 7566 LOT 271**

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

To permit:

a) Section 6, Schedule B:

a maximum lot coverage of 37.18 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;

b) Section 6, Schedule B:

a maximum height of 26.53 ft (8.085 m), whereas the By-law permits a maximum height of 25 ft (7.62 m);

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

The Secretary-Treasurer introduced the application.

Ms. Evangelista appeared on behalf of the application. The proposal is a rebuild as it is designed to meet needs of a new family.

Committee member Tom Gutfreund asked specially why the variances were being requested.

Ms. Evangelista responded they had achieved a design which would be more consistent with the prevailing building footprints of the area.

Committee member Jeamie Reingold believes the proposal is incompatible for the area.

Moved By: Arun Prasad

Seconded By: Tom Gutfreund

Kelvin Kwok and Jeamie Reingold opposed

THAT Application No. A/107/19 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/148/19

**Owner Name: QI HUANG
Agent Name: In Roads Consultants (Ida Evangelista)
42 Fonthill Blvd, Markham
PLAN 7566 LOT 140**

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

- a) **Section 6:**
to permit a maximum building height of 28 ft, whereas the By-law permits a maximum of 25 ft;
- b) **Section 6:**
to permit a maximum lot coverage of 37.3 percent, whereas the By-law permits a maximum of 33 1/3 percent;
- c) **Section 3.7:**
to permit a covered porch to project 2 ft into the required front yard and to permit an uncovered and unenclosed walk-up stair in the rear yard;

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

The Secretary-Treasurer introduced the application.

Ida Evangelista appeared on behalf of the application. This is an area in transition.

Ian Free spoke in opposition to the application. The building height variance is not required for this proposal.

Dan McCraic of 168 Krieghoff Avenue spoke in opposition to the application. The lot coverage variance is not appropriate.

Christine Berger Free spoke in opposition to the application. She raised concerns about the height as proposed.

Committee member Tom Gutfreund believes this is a large proposal.

Committee member Jeamie Reingold also stated she does not believe this was a compatible design. The design could be done in a more local appropriate context.

Ms. Evangelista believes the proposal has been refined to address local site context.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No. A/148/19 be deferred sine die.

Resolution Carried

2. A/152/19

Owner Name: Zhi Bo Li and Yuan Wu
Agent Name: In Roads Consultants (Ida Evangelista)
178 Krieghoff Ave, Markham
PLAN 7566 LOT 109

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

a) Section 3.7:

a 4 ft covered porch with 3 ft uncovered steps to project into the required front yard;

b) Section 6.1:

a maximum height of 28 ft, whereas the By-law permits a maximum of 25 ft;

c) Section 6.1:

a maximum lot coverage of 37.21 percent, whereas the By-law permits a maximum of 33 1/3 percent;

d) Section 4.1:

one accessory dwelling unit in the basement, whereas the By-law only permits one single family detached dwelling;

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

The Secretary-Treasurer introduced the application.

Ida Evangelista appeared on behalf of the application. Attempts have been made to further reduce the height impact. This is not atypical of the housing regeneration which is occurring here.

Ian Free appeared spoke in opposition of the application. He contends there are drainage issues which will emerge.

Dan McCrazic of 168 Krieghoff Avenue spoke in opposition to the application.

Christine Berger-Free spoke in opposition to the application. Potential drainage issues will be worsened in the process. In her presentation of visual images, she acted to demonstrate the inconsistency of the process.

Laura Kragiaof of 184 Krieghoff Avenue spoke in opposition to the application. This proposed home is not of scale for the area.

3 Callahan Road resident spoke in opposition and raised concerns with the drainage issues.

Committee member Tom Gutfreund indicates that houses are being redeveloped. However, the proposal as shown is massive in scale.

Committee member Patrick Sampson stated there had been previous proposal on Fonthill Boulevard and there were concerns of similar nature in both instances.

Ms. Evangelista stated that there is no open to below space.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No. A/152/19 be deferred sine die.

Resolution Carried

3. A/002/20

Owner Name: Quoc Paul Phung and Ada Nguyen
Agent Name: Vin Engineering Inc. (Sunil Shah)
109 Lawrence Pilkington Ave, Markham
PLAN 65M4427 LOT 52

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

a) Section 6.3.1.2:

to permit a minimum setback between the main building and detached garage of 5.35 metres, whereas the By-law requires a minimum setback between the main building and detached garage of 6.0 metres;

as it relates to a proposed coach house over an existing detached garage. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Sunil Shah appeared on behalf of the application. The variance pertains to setback between main building and rear accessory structure.

The adjacent neighbour indicated support of the application.

Committee member Patrick Sampson stated he did not see similar coach house in the area.

Mr. Shah responded that there is one which is not far from this subject property.

Committee member Kelvin Kwok inquired what currently exist between main building and accessory structure.

Mr. Shah commented it is a landscaped area.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/002/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. B/16/19

Owner Name: Bayview Summit Development Limited (Mark Johnson)
Agent Name: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
2900 Steeles Ave, Markham
CON 3 PT LT 1 PLAN M1444 BLK E 66R8741 PTS 1-18

The owner (s) are requesting to:

a) sever and convey a parcel of land with an approximate area of 21,202.1 sq. m and lot frontage of 153.5 m (Parts 19-25);

b) retain a parcel of land with an approximate area of 50,627.5 sq. m and lot frontage of 251.5 m (Parts 1-18).

The purpose of this application is to create a new residential lot to facilitate the redevelopment of the property. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

Maria Gatzios appeared on behalf of the application. She indicated that staff want to defer to re-notify and indicate consents not originally identified.

Moved By: Arun Prasad

Seconded By: Kelvin Kwok

THAT Application No. B/16/19 be deferred sine die.

Resolution Carried

5. A/003/20

Owner Name: Bo-Han Lee

Agent Name: Emami Design (Amir Emami)

157 Krieghoff Ave, Markham

PLAN 7566 LOT 198

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

a) Section 6.1:

a maximum height of 26 ft 8 in, whereas the By-law permits a maximum height of 25 feet;

b) Section 6.1:

a maximum lot coverage of 39.26 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

c) Section 3.7:

overhang projection of 36 inches into the required yard, whereas the By-law permits a maximum of 18 inches;

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

The Secretary-Treasurer introduced the application.

Amir Emami appeared on behalf of the application. He indicated this is first proposal he has done in Markham. His client intends to live in this home and it is not an investment related property.

Ian Free spoke in opposition to the application. He is adjacent to the property and is concerned of heightened drainage issues.

Dan McCrazic of 168 Krieghoff Avenue spoke in opposition to the application. The lot coverage request is not insignificant.

Christine Berger Free spoke in opposition to the application. She indicated flooding of her property has worsened due to the in fill houses being built. She further stated she hoped cordial neighbourly relations should be achieved, when possible.

Committee member Tom Gutfreund stated that he had no comments on design but the lot coverage and eaves overhang variances are excessive in their scale.

Mr. Emani responded that reducing the proposal is resulting in constraining of family's useable space.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

THAT Application No. A/003/20 be deferred sine die.

Resolution Carried

6. A/005/20

Owner Name: Mr Shamsher Khan and Memoon Khan
Agent Name: Ali Ahmed
121 Alfred Paterson Dr, Markham
PLAN 65M3594 LOT 208

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

a) Table A1:

to permit an accessory basement apartment, whereas an accessory basement apartment is not permitted;

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

The Secretary-Treasurer introduced the application.

The agent

Moved By: Arun Prasad

Seconded By: Patrick Sampson

THAT Application No. A/005/20 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **B/28/19**

Owner Name: Samithamby Harichandran

Agent Name: QX4 Investments Ltd. - Consulting Services (Ben Quan)

21 Lanor Crt, Markham

PLAN 65M3453 LOT 11

The owner (s) are requesting to:

- a) sever and convey a parcel of land with an approximate area of 516.7 sq. m and lot frontage of 14.6 m;
- b) retain a parcel of land with an approximate area of 665.7 sq. m and lot frontage of 23.2 m.

This serves as a re-application for consent B/36/17, which was approved by the Committee of Adjustment on July 25, 2018 but lapsed due to unfulfilled conditions of approval. Related minor variance applications A/185/17 and A/186/17 were approved concurrently. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Ben Quan appeared on behalf of the application. This is a re-application due to conditions not being fulfilled. Some slight changes to proposal have occurred thus the related variances being applied for.

Moved By: Kelvin Kwok

Seconded By: Arun Prasad

THAT Application No. B/28/19 be approved subject to conditions contained in the staff report.

Resolution carried

8. **A/006/20**

Owner Name: Samithamby Harichandran
Agent Name: QX4 Investments Ltd. - Consulting Services (Ben Quan)
21 Lanor Crt, Markham
PLAN 65M3453 LOT 11

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

- a) **Section 6.1.2:**
a minimum lot frontage of 14.6m, whereas the By-law requires a minimum lot frontage of 18m;
- b) **Section 6.1.2:**
a minimum lot area of 516.7sqm, whereas the By-law requires a minimum lot area of 613sqm;
- c) **Section 6.1.2:**
a minimum rear yard of 6.9m, whereas the By-law requires a minimum rear yard of 7.5m;
- d) **Amending By-law 61-94, Section 17:**
a minimum south side yard of 1.2m, whereas the By-law requires a minimum side yard of 1.8m;
- e) **Amending By-law 61-94, Section 17:**
a minimum north side yard of 1.2m, whereas the By-law requires a minimum side yard 1.8m;
- f) **Section 6.1.2:**
a maximum lot coverage of 41.01 percent, whereas the By-law permits a maximum lot coverage of 40 percent;

as it relates to a proposed two-storey detached dwelling. This application is related to a previously approved minor variance application (A/186/17), in which the submitted plans have subsequently been revised. This application is also related to consent application B/28/19. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No. A/006/20 be approved subject to conditions contained in the staff report.

Resolution Carried

9. **A/007/20**

Owner Name: Julie DeGasperis
Agent Name: Thomas Marzotto Architect (Thomas Marzotto)
25 Steele Valley Rd, Thornhill
PLAN 4824 E PT LOT 8

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

- a) **Amending By-law 101-90, Section 1.2(iii) - Building Depth:**
a maximum building depth of 36.74 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- b) **Parking By-law 28-97, Section 6.2.4.4 a) i):**
a minimum interior east side yard driveway setback of 2 feet, whereas the By-law requires a minimum setback of 10 feet, as required for the main building from the interior sideyard;
- c) **Parking By-law 28-97, Section 6.2.4.7 a) - Elevation of Garage Floor:**
a finished garage floor elevation (156.01) to be lower than the elevation of the public street from which access to the parking garage is provided, whereas the By-law requires the finished garage floor elevation to be higher than the elevation of the public street (158.33) from which access to the private garage is provided, measured at the mid-point of the private driveway at the streetline;
- d) **Parking By-law 28-97, Section 6.2.4.2 b) i):**
a maximum driveway width of 14.4 metres (47 ft 2 in), whereas the By-law permits a maximum driveway width of 7.5 metres (24 ft 6 in);

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

The Secretary-Treasurer introduced the application.

Thomas Marzotto appeared on behalf of the application. Generous side yard setbacks are being contemplated. Rainwater issues will be addressed on the site to mitigate flooding. They also gathered 6 letters of support.

Committee member Patrick Sampson inquired about staff recommendation for deferral.

Committee member Jeamie Reingold stated the neighbourhood comprises several large homes.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/007/20 be approved subject to conditions contained in the staff report.

Resolution Carried

10. A/008/20

**Owner Name: Caralen Law and Keith Law
Agent Name: SHDesign (Samir Hinnawi)
32 Billy Joel Cres, Markham
PLAN 5879 LT 19**

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

a) Section 11.1:

to permit a minimum rear yard setback of 10 feet 7 inches, whereas the By-law requires a minimum rear yard setback of 25 feet;

as it relates to a proposed 1-storey rear addition and deck. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Samir Hinnawi appeared on behalf of the application. This proposal, in his opinion, is compatible and desirable for the area.

**Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold**

THAT Application No. A/008/20 be approved subject to conditions contained in the staff report.

Resolution Carried

11. A/009/20

Owner Name: TARAN DEVELOPMENTS LIMITED
Agent Name: Taran Developments Inc (Marian Marcante)
1 Stone Mason Dr, Markham
PL 65M2087 LT 105

The applicant is requesting relief from the requirements of By-law 153-80 as amended to permit:

a) Section 11.1:
to permit a commercial school, whereas a commercial school is not a permitted use; as it relates to a proposed commercial school. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Marian Marcante appeared on behalf of the application. Existing structure will not be affected.

Sidney Marquez indicated support of the application.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold


THAT Application No. A/009/20 be approved subject to conditions contained in the staff report.

Resolution Carried

MOTION TO ADJOURN

Moved by Jeamie Reingold
Seconded by Arun Prasad

THAT the meeting of Committee of Adjustment be adjourned at 10:18 PM, and the next regular meeting will be held on March 4, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair

