



CITY OF MARKHAM
Virtual Meeting on Zoom

March 9, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 4th regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Gregory Knight, Chair	7:00 pm
Jeamie Reingold	7:00 PM
Tom Gutfreund	7:00 PM
Patrick Sampson	7:00 PM
Sally Yan	7:00 PM
Kelvin Kwok	7:00 PM
Arun Prasad	7:00 PM

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

DISCLOSURE OF INTEREST

None

Minutes: February 16, 2022

THAT the minutes of Meeting No. 03 of the City of Markham Committee of Adjustment, held February 16, 2022, respectively, be

- a) Approved as submitted, on March 9, 2022

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

Carried

PREVIOUS BUSINESS

1. 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 sq ft), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3229 sq ft);

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.

David Vanderbrug of 138 Grandview Avenue stated that the height and floor area ratio is not an issue but wanted the alignment of the house to be the same as other dwellings on the avenue.

Agent Victor Lan spoke about moving the side yard setback too close to the neighbour's lot line.

Committee member Tom Gutfreund believes this application meets the four tests and supports the application.

Committee member Jeamie Reingold is happy with the changes made and would support the application.

Committee member Arun Prasad is happy that the side yard setback was kept at 6 feet and supports the application and would move for approval.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

THAT Application No A/161/21 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/190/21**

Owner Name: 12243598 Canada Inc. (Ivan Lysak)
Agent Name: Stoyanovskyy Architects Inc (Orest Stoyanovskyy)
72 Meadowview Avenue, Thornhill
REG COMP PLAN 10327 LOT 49

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

- a) **By-law 101-90, Section 1.2 (ii):**
a minimum front yard setback of 8.40 metres, whereas the By-law requires a minimum front yard setback of 10.70 metres;
- b) **By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 57.0 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent;
- c) **By-law 101-90, Section 1.2 (iv):**
a building depth of 20.15 metres whereas, the By-law permits a maximum building depth of 16.80 metres;
- d) **By-law 2237, Section 3.7:**
a 20" west side yard second-floor architectural roof overhang, whereas the By-law permits an 18" roof overhang encroachment into the required side yard;

as it relates to a proposed second-storey addition on a single detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Orest Stoyanovskyy appeared on behalf of the application.

Committee member Jeamie Reingold understands that the building is built, but wants more clarification about the current situation.

The agent Orest Stoyanovskyy responded that a significant renovation triggered a few variances and applied for the current variances. They are building on the existing ground floor, and there is a second-storey addition.

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Committee member Arun Prasad asked about a final rendering of the finished dwelling.

The agent, Orest Stoyanovskyy, responded that they do not have one.

Committee member Sally Yan inquired about how the building would sit on the foundation.

The agent, Orest Stoyanovskyy, responded that they are only adding to the one-storey portion of the dwelling.

Manager of Zoning & Special Projects Brad Roberts wanted to help the committee understand the scope of the variances.

The agent, Orest Stoyanovskyy, asked to defer the application in order to modify their application.

Committee member Sally Yan wanted to understand the new construction and the previous construction.

Manager of Zoning & Special Projects Brad Roberts clarified that the variances have changed since the last meeting.

The agent, Orest Stoyanovskyy, explained that the cold storage area is the issue regarding the variances and that they built on the foundation.

Committee member Arun Prasad inquired about the previous approvals.

Committee Chair Greg Knight clarified that the cold storage, that no one can see, could not be the only issue flagged during the building permit process.

The agent, Orest Stoyanovskyy, stated a new room above the pre-existing living room that was open to below.

Committee Chair Greg Knight stated that the massing has changed and explained to the client that this was more significant.

Committee member Tom Gutfreund wanted to see another rendering of the dwelling to understand the proposal, providing context to the variances.

Committee member Kelvin Kwok was having a hard time understanding the requests. He believes the committee would need to review the permit.

The agent, Orest Stoyanovskyy, requested to defer the application in order to create renderings and explain the proposal more at another meeting.

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Manager of Zoning & Special Projects Brad Roberts provided drawings from the building permit so that committee could understand the variances better.

Committee member Tom Gutfreund inquired about the increased Floor Area Ratio.

Committee Chair Greg Knight explained that they squared off the second floor.

The agent, Orest Stoyanovskyy, stated that he would provide street views and improved renderings for the committee.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/190/21 be deferred sine die.

Resolution Carried

NEW BUSINESS:

1. **A/004/20**

Owner Name: Suncor Energy Products Partnership
Agent Name: Brutto Consulting (Francesco Fiorani)
7750 McCowan Road, Markham
CON 6 PT LT 5 65R14272 PT 1 65R14126 PTS 6 & 7

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

- a) **Section 4.7.2:**
a building to be constructed within 23.98 m of the centerline of 14th Avenue, whereas the By-law does not permit any building or structure to be constructed within 30.0 m of the centreline of any arterial road or Provincial Highway;

as it relates to the reconstruction of the canopy and kiosk of an existing gas station. **(Central District, Ward 8)**

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/004/20 be deferred sine die.

Resolution Carried

2. **A/026/21**

Owner Name: Violetta Fitzsimmons
Agent Name: Brian Lee Architect (Ryan Quan)
7703 Kennedy Road, Markham
PLAN 2440 PT LOT 18

The applicant is requesting relief from the requirements of By-law 193-81, as amended to permit:

- a) **Parking By-law 28-97, Section 3.0:**
9 parking spaces, whereas the By-law requires a minimum of 15 parking spaces;
- b) **Amending By-law 213-90, Section 7.20:**
a bridal salon and flower shop within the existing building and proposed addition, whereas the By-law permits a bridal salon and flower shop within the existing building only;

as it relates to converting an existing upper deck into a storage space.
(Central District, Ward 8)

The Secretary-Treasurer introduced the application.

The agent Brian Lee appeared on behalf of the application.

Committee member Jeamie Reingold supports the application.

Committee member Tom Gutfreund agrees with Jeamie and understands that the nine parking spaces have existed. He supports the application.

Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok

THAT Application No A/026/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/173/21**

Owner Name: Maria Periquet
Agent Name: Dan Berry
9 Banquo Road, Thornhill
PLAN M1347 LOT 418

The applicant is requesting relief from the requirements of By-law 2489 as amended, to permit:

- a) **By-law 2489, Section 6.1:**
a minimum front yard setback of 20.89 ft, whereas the By-law permits a minimum front yard setback of 27 ft;
- b) **By-law 2489, Section 6.1:**
a minimum rear yard setback of 16.75 ft, whereas the By-law permits a minimum rear yard setback of 25 ft;
- c) **By-law 2489, Section 6.1:**
a maximum lot coverage of 2,622 sq ft (43.5 percent), whereas the By-law permits a maximum lot coverage of 2,005 sq ft (33.3 percent);
- d) **By-law 2489, Section 6.1:**
a maximum building height of 26.93 ft, whereas the By-law permits a maximum building height of 25 ft;

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

The Secretary-Treasurer introduced the application.

The agent, Dan Berry, appeared on behalf of the application.

Eli Chalouh of 7 Banquo Road explained the current neighbourhood's streetscape. He explained that the proposal would be totally out of character with the current dwellings in the area. He does not believe these are minor variances.

Mark Luz of 11 Banquo Road comments on the previous drawings, not the drawings posted the day before the meeting. He is worried about the loss of privacy and sunlight. He does not believe it meets the four tests.

Barry Nelson of 38 Colborne Street, presented the impacts of the home with a rendering between the existing neighbours and asked the applicant to reduce the rear yard setback.

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Aurelia Luz of 11 Banquo Road was not happy with the home's design, and it's negative impact on their solarium.

Committee member Jeamie Reingold stated that there is no permeable space around the home. She asked if the ceiling heights could be brought down. She believes the dwelling is too big for the lot.

Committee Chair Greg Knight asked the applicant to clarify the ceiling height.

The agent, Dan Berry clarified that the ground floor is ten feet, and the second floor is nine feet.

Committee member Sally Yan brought attention to the public consultation and understands that this is the first infill in the area. She asked the applicant if he provided consultation with the current plans.

The agent, Dan Berry, clarified that the homeowner had met with the neighbours. He asked for clarification about what drawings were being referenced that were just uploaded online.

Committee member Sally Yan would like the height variance removed.

Committee member Tom Gutfreund stated that the cumulative changes are the issue. The massing is excessive.

Committee Chair Greg Knight inquired about why there was no gross floor area variance.

The agent, Dan Berry, would eliminate the variance and clarified that you would still see the building from the sunroom if the dwelling was built to the current permitted By-law height.

Committee member Jeamie Reingold would like the design brought down regarding the variances.

The agent, Dan Berry, would keep the coverage and remove the other three variances.

Manager of Zoning & Special Projects Brad Roberts inquired about the covered porch and its coverage.

Renata Richardson of 17 Banquo Road inquired about the Metrolinx comments.

Committee member Tom Gutfreund wanted to know more about the lot coverage.

The agent, Dan Berry answered that the lot coverage would be 38%.

Committee member Patrick Sampson believes everyone loses with this application.

Committee member Kelvin Kwok believes that the committee has to deal with what is in front of them.

Committee member Arun Prasad stated that maybe it should be deferred.

Committee Chair Greg Knight clarified to bring down the height and width.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

THAT Application No A/173/21 be deferred sine die.

Resolution Carried

4. A/178/21

Owner Name: Simarjit Singh Bansal

Agent Name: Grandesign Engineering Inc (Mohammad Ghofrani)

105 Cimmaron Street, Markham

PLAN 65M2525 PT LOT 80 RS65R11209 PARTS 7 & 8

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

a) **By-law 90-81, Section 4.6:**

an unenclosed stair to encroach 0.70 metres into the required interior side, whereas the By-law permits a maximum encroachment of 0.45 metres;

b) **By-law 90-81, Section 5.2.1:**

a second dwelling unit (basement suite), whereas the By-law permits no more than one (1) single detached dwelling on one (1) lot;

as it relates to a proposed second dwelling unit (basement suite). **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Mohammad Ghofrani, appeared on behalf of the application.

Committee member Kelvin Kwok inquired about the landscaping.

The agent, Mohammad Ghofrani, responded that he added soft landscaping.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/178/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/180/21

Owner Name: Steven Wang
Agent Name: Epic Designs Inc. (Marco Vieira)
10 Milmar Court, Thornhill
CON 3 PT LOT 3 PARCEL 6

The applicant is requesting relief from the requirements of By-law 2571, as amended to permit:

- a) **By-law 2571, Section 6.1:**
a front yard setback of 17'-0 ½", whereas the By-law requires a minimum front yard setback of 35.0 feet to the dwelling;

as it relates to the proposed detached dwelling with attached garage. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent, Marco Vieira, appeared on behalf of the application.

Committee member Tom Gutfreund supports the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/180/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. **A/186/21**

Owner Name: Kirupakaran Ehamparam
Agent Name: Srikandarajah Kanagaratnam
58 Peter Street, Markham
PLAN 3905 LOT 29

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

- a) **By-law 1229, Section 11.3 (vi):**
a minimum side yard setback of 0.43 metres (1.41 ft), whereas the By-law requires a minimum setback of 1.22 metres (4.0 ft) to any lot line;
- b) **By-law 1229, Section 11.3 (vi):**
a minimum rear yard setback of 0.30 metres (0.99 ft), whereas the By-law requires a minimum setback of 1.22 metres (4.0 ft) to any lot line;

as it relates to an existing accessory building (shed). **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Srikandarajah Kanagaratnam, appeared on behalf of the application.

Fred Dawson of 33 Carpenter Court told the builders they were not building within code.

Fernando Pitipange of 47 Peter Street does not believe this shed affects any surrounding neighbours.

Committee member Jeamie Reingold believes that many residents sit their sheds in their backyards. Therefore, she does not believe there is a problem.

Committee member Patrick Sampson supports the application.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/186/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/194/21**

Owner Name: Jenani Veeravagupillai
Agent Name: Brutto Consulting (Francesco Fiorani)
22 Honeybourne Crescent, Markham
PLAN 4949 LOT 106

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 building height of 10.10 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum building depth of 18.14 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51.88 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

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

The Secretary-Treasurer introduced the application.

The agent, Francesco Fiorani, appeared on behalf of the application.

Committee member Jeamie Reingold believes it is a large lot and believes these variances are minor.

Committee member Tom Gutfreund believes the floor area ratio should be brought down to 50.0 percent.

Committee member Patrick Sampson agrees with Tom about bringing down the floor area ratio.

The agent, Claudio Brutto, would agree to reduce variance C), which permits a maximum floor area ratio of 50.0 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No A/194/21 be approved subject to conditions contained in the staff report with variance C reduced to 50.0 percent.

Resolution Carried

8. A/199/21

Owner Name: Summit (5900 14th Avenue) Ltd. (Gunars Robeznieks)
Agent Name: Baldassarra Architects Inc. (Milica Zekanovic)
5900 14th Avenue, Markham
PLAN 65M2757 LOTS 12-14 & 24-25

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

- a) **By-law 108-81, Section 4.6.1 (b):**
a building to be constructed within 28.83 metres of the centerline of 14th Avenue, whereas the By-law requires a minimum setback of 36.0 metres from the centerline of 14th Avenue;
- b) **By-law 108-81, Section 4.7.1 (a):**
a minimum depth of 1.60 metres for Landscaped Open Space facing 14th Avenue, whereas the By-law requires a minimum Landscaped Open Space of 9.0 metres;

as it relates to Site Plan Approval contingent on zoning relief. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Milica Zekanovic, appeared on behalf of the application.

Committee member Sally Yan supports the application.

Committee member Patrick Sampson approves the application.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No A/199/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. B/023/21

**Owner Name: 4118 14th Avenue Holdings Ltd.
Agent Name: KLM Planning Partners (Lucy Pronk)
4118 14th Avenue and 85 Citizen Court, Markham
PLAN 65R24025 PT 5**

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 151 m (495 ft) and an approximate lot area of 1.9 ha (4.7 ac) (Part 5);
- b) retain a parcel of land with an approximate lot frontage of 109 (358 ft) and an approximate lot area of 1.4 ha (3.5 ac) (Parts 1 and 4);
- c) establish servicing easements in favour of the severed lands (Parts 2 and 3).

The purpose of this application is to facilitate the severance of the subject commercial lands, which are currently functioning as separate parcels municipally known as 85 Citizen Court (the "Retained Lands") and 4118 14th Avenue (the "Severed Lands"). **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent, Lucy Pronk, appeared on behalf of the application.

Committee Chair Greg Knight highlighted that recent changes to the *Planning Act* with respect to satisfying conditions for consent applications will require that the condition in the staff report be amended to reflect that conditions must be satisfied within two years.

The agent, Lucy Pronk, had no problem with the amendment.

Committee member Tom Gutfreund supports the application.

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

THAT Application No B/023/21 be approved subject to conditions contained in the staff report with condition #9 amended to reflect the fulfilment of conditions within two (2) years of the date that notice of the decision was given.

Resolution Carried

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Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment be adjourned at 10:09 pm,
and the next regular meeting will be held on March 23, 2022.

CARRIED



Acting Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment