



CITY OF MARKHAM
Virtual meeting on zoom

July 23, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 14th 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>
Jeannie Reingold	7:00PM
Tom Gutfreund	7:00PM
Patrick Sampson	7:00PM
Gregory Knight, Chair	7:00PM
Kelvin Kwok	7:00PM
Arun Prasad	7:00PM

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

Regrets
Sally Yan

DISCLOSURE OF INTEREST

None

PREVIOUS BUSINESS

1. **A/017/20**

Owner Name: Wooden Spire Estates Inc.
Agent Name: Trinistar Corporation (Tina Arruda)
6899 14th Avenue, Markham
PLAN 65M3853 BLK 409

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

a) Amending By-law 2004-151, Section 7.233.1:

to permit a Commercial School, whereas the By-law does not permit Commercial Schools;

as it relates to a proposed Commercial School within an existing commercial building.
(East District, Ward 7)

The Secretary-Treasurer introduced the application.

The agent/applicant was not in attendance. Staff indicated that zoom access information had been sent to him.

Staff responded that municipal procedure requires applicant to attend. If not, application has to be deferred.

Moved By: Arun Prasad

Seconded By: Tom Gutfreund

THAT Application No. A/017/20 be deferred sine die.

Resolution Carried

NEW BUSINESS:

1. A/055/20

Owner Name: Hamid Navazeni & Mina Naghavizadeh

Agent Name: Arklab Inc (Babak Ghassemi)

26 Valloncliffe Road, Thornhill

PLAN M896 LOT 92

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

a) Section 12(iv)(a) - Setback between existing dwellings:

a minimum front yard setback of (34.94 ft) 10.65 m (basement cold cellar/roofed porch), whereas, the By-law requires that the front yard of a dwelling to be erected between two existing building shall comply with the corresponding yards of the two existing buildings (42.83 ft) 13.05m;

b) Section 14(i)(e) - Rear Yard Setback:

a minimum rear yard setback of 47 ft - 9 1/2 in, whereas, the By-law requires a minimum rear yard setback of 50 ft;

c) Parking By-law 28-97, Section 6.2.4.5 - Provisions for Circular Driveways:

a second driveway of 5.5 metres wide, whereas, the By-law permits only a 3.7 metres wide second driveway;

d) Section 14(i)(d) - Side Yard Setback:

in addition the sum of the width of both side yards shall not be less than 18.0% (21.64 ft), whereas, the By-law requires that the sum of the width of both side yards shall not be less than 20% (24 ft);

e) Infill By-law 100-90; Section 1.2(iii) – Building Depth:

a maximum building depth of 20.46 metres, whereas, the By-law requires a maximum building depth of 16.8 metres;

f) Amending By-law 100-90; Section 1.2(i) – Building Height:

a maximum building height of 10.75 metres, whereas, the By-law permits a maximum building height of 9.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent Babak Ghassemi appeared on behalf of the application. He indicated they were now looking to remove variance C. They are proposed porch like structures to front and rear portion of proposed house necessitating variances.

Leonard and Dorothy Floyd of 24 Valloncliffe Road spoke in opposition to the application. He contends there had been a previous variance application to allow setback reduction.

Committee member Tom Gutfreund asked if some parking will be located underground.

Mr. Ghassemi responded that portion of garage will be below grade. There will also be an elevator to move a vehicle to below grade or basement level.

Committee member Jeamie Reingold contends the area is transitioning to larger type homes. The overall proposal has been done in a balanced manner.com

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No. A/055/20 be approved subject to conditions contained in the staff report and removal of variance C.

Resolution Carried

2. A/068/20

**Owner Name: Shirali Kianian-Bigdeli
Agent Name: David Small Designs (Julie Odanski)
36 Fairway Heights Dr, Thornhill
PLAN 6350 LOT 75**

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

- a) Infill By-law 100-90, Section 1.2 (iii):**
a building depth of 20.10 m, whereas the By-law permits maximum building depth of 16.8 m;
- as it relates to a proposed two storey detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Peter Giordano appeared on behalf of the application. They have one variance request. They were notified by the Building Standards Dept. that they had reached a new interpretation of building depth for this proposal. They have also attempted to speak with neighbours to obtain their approval for this proposal as well. He explained a previous resident who was going to speak at the meeting withdrew this request after speaking with the applicant.

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

THAT Application No A/068/20 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/072/20

**Owner Name: Alex La Moglie and Maria La Moglie
Agent Name: Giuliano La Moglie
4389 19th Ave, Markham
CON 5 PT LOT 30 RS66R10054 PARTS 3 & 4**

The applicant is requesting relief from the requirements of By-law 304-87 as amended to permit:

a) Section 7.5 (b)(iii):

a minimum side yard setback of 1.5 metres, whereas the By-law requires minimum side yard setback of 6 metres;

as it relates to a proposed accessory structure (detached garage)
(West District, Ward 6)

The Secretary-Treasurer introduced the application.

The agent Giuliano La Moglie appeared on behalf of the application. He is the son of the owners. He has a site photo which indicates that there are other structures on other properties in close proximity to property lines.

Carla Cariglia of 4359 19th Avenue spoke in opposition to the application. She asked that the impact towards neighbouring properties be taken into consideration.

Corrado Guastelluccia of 1 Moses Crescent spoke in support to the application. He contends the uses at this property have existed last 20 years. The proposal will be compatible for this neighbourhood.

Ron Cariglia of 4359 19th Avenue spoke in opposition to the application. He did raise his belief that there are non-agricultural type uses occurring at this property. He also indicated the structure is already built.

Timothy O'Hara of 4411 19th Avenue spoke in opposition to the application. He is concerned that the subject property seems to have continuous construction activity.

Fatemeh Kormaeipour of 455 Dorchester Court, Newmarket spoke in support to the application.

Committee member Tom Gutfreund asked if there is evidence that an accessory structure on site is legal non-conforming. He also asked about farming activities at the site

Mr. La Moglie responded he was not able to obtain such material in time of the meeting. They are also looking to expand their keeping of chickens at the site. They also want to expand their garden in the rear of the property.

Committee member Patrick Sampson inquired how the garage was built without a building permit.

Committee member Jeamie Reingold feels that this is a 5 acre property so there should be sufficient space to place a garage and doesn't need to be located where it is being proposed.

Committee member Kelvin Kwok also raised concerns about structure so close to the property line.

The Chair asked about the second storey of the accessory structure.

Mr. La Moglie responded that it will not be used for human habitation.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

THAT Application No. A/072/20 be refused.

Resolution Carried

MOTION TO ADJOURN

Moved by Tom Gutfreund

Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned at 8:25 PM, and the next regular meeting will be held on July 28, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair