



CITY OF MARKHAM
Virtual meeting on zoom

July 29, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 15th 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>
Jeamie Reingold	7:00PM
Tom Gutfreund	7:00PM
Gregory Knight, Chair	7:00PM
Kelvin Kwok	7:00PM
Arun Prasad	7:00PM
Sally Yan	7.00PM

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

Regrets

Patrick Sampson

DISCLOSURE OF INTEREST

None

Minutes: July 21 and July 23, 2020

THAT the minutes of Meeting No. 13 of the City of Markham Committee of Adjustment, held July 21, respectively, be

- a) Approved as submitted, on July 29, 2020.

Moved By: Tom Gutfreund

Seconded By: Kelvin Kwok

THAT the minutes of Meeting No. 14 of the City of Markham Committee of Adjustment, held July 23, respectively, be

b) Approved as submitted, on July 29, 2020.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

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 Joseph Calderon appeared on behalf of the application. The commercial school is a personal type use. The parking requirements continue to be met.

Committee member Tom Gutfreund asked ages of students.

Mr. Calderon responded it should be students of grade 1-12.

Committee member Sally Yan is inquiring if the parking and traffic issues had been thoroughly accessed by staff.

Committee member Arun Prasad does not feel agent has provided appropriate information on parking and traffic issues at this site.

Committee member Jeamie Reingold also raised that a traffic management plan may be necessary here.

Committee member Arun Prasad referenced potentially province will have additional regulations to be passed on schools.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

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

Resolution Carried

2. A/033/20

Owner Name: Jingmei Wu
Agent Name: SAHAND HOMES Inc (Shervin Farzam Behboudi)
90 Fred Varley Dr, Markham
PLAN 7566 LOT 282

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

- a) Section 3.7:**
a West side yard setback of 4.5 ft, whereas the By-law requires a minimum of 6 ft;
- b) Section 6.1:**
a maximum building height of 26 ft, whereas the By-law permits a maximum of 25 ft;
- c) Section 6.1:**
a maximum lot coverage of 34.95 percent, whereas the By-law permits a maximum of 33 1/3 percent;

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

The Secretary-Treasurer introduced the application.

The agent Shervin Farzam appeared on behalf of the application. A setback variance was removed and reduced lot coverage request. Some porches as part of original proposal were also removed.

Ian Free of 154 Krieghoff Avenue spoke in opposition to the application. He believed setback requirements should be upheld.

Christine Free of 154 Krieghoff Avenue spoke in opposition to the application. She referenced the Official Plan policies and that mass and setbacks of a house be complimentary to an existing neighbourhood.

Committee member Tom Gutfreund indicated he supports the proposal if there was a reduction in chimney height.

Staff indicated that architectural features like chimney are exempt from zoning provisions.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No. A/033/20 be approved subject to conditions contained in the staff report with additional condition that height at top of chimney not exceed peak of roof.

Resolution Carried

3. A/050/20

Owner Name: Arrowdale Developments Ltd and Bonnydon Ltd (Michael Freedman)

Agent Name: Treasure Hill (Joran Weiner)

**1 to 3, 5, 7, 10, 12, 21 to 24, 26, 33, 39, 48, 53, 55, 62, 64, 66, 68 to 71, 73 to 75 Crofting Crescent; 2, 6, 8, 10, 12, 14 and 28 Collier Crescent; 391, 395 and 401 Fred McLaren Blvd; 49 to 52, 54, 56, 65 to 68 Furrow Street; 61 and 77 Greenspire Avenue; 44, 58, 60 and 62 Titus Street; 41 to 46, 48, 50, 58 to 62 and 65 Willow Street.
65M4573 LOT 2**

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

- a) Section 5, Table B2.Q:**
a maximum garage width of 5.5 m with a lot frontage of 10.7 m to 12.19 m, whereas the By-law allows for a maximum of 3.5 m;
- b) Parking By-law 28-97, Section 6.2.4.2 b) i) b):**
a minimum of 23 percent soft landscaping, whereas the By-law requires a minimum of 40 percent;
- c) Section 6.6.3 a) ii):**
stairs or landings to encroach a maximum of 0.76m into the required front exterior side and interior side yards, whereas the By-law allows encroachment into required front, exterior side yard;
- d) Section 5, Table B2.T:**

a minimum rear yard of 6.0 m on a lot not accessed by a lane, whereas the By-law requires a minimum of 7.0 m;

e) Section 6.5 & 7.5.3 (c):

one accessory dwelling unit in the basement, whereas no more than one dwelling unit is permitted on a lot;

as it relates to the construction of new single detached dwellings on 67 lots in a registered M-Plan. **(East District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Paul Demelo appeared on behalf of the application. In discussions with staff, variance e was included to provide for secondary suites in these new proposed homes. The variances are for 67 lots of a plan of subdivision. He contends there is no adverse parking impact with this proposal.

Committee member Jeamie Reingold believes the proposal provides a housing type appropriate for housing needs of the public.

Committee member Arun Prasad asked if the houses are designed to allow for secondary suite or basement apartment to be done in future if homeowner elects to pursue this.

Mr. Demelo responded that homeowner would still need to make certain alterations to meet Ontario Building Code requirements.

Committee member Kelvin Kwok asked about reduction in soft landscaping space.

Mr. Demelo indicated this would only done for houses which have a rear laneway abutting them.

Committee member Sally Yan stated that the proposal does meet provincial mandates. She inquired of frontages of the lots.

Mr. Demelo responded that there is a condition that on street parking be provided.

Committee member Tom Gutfreund inquired why it should not go through rezoning application.

Mr. Demelo stated that staff did not raise this as a potential issue.

Committee member Jeamie Reingold asked if additional tree planting could be done at this site.

Mr. Demelo stated that potentially cash-in-lieu parkland could be used to address this.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No. A/050/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **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 26 ft 8 in, whereas the By-law permits a maximum of 25 ft;
- b) **Section 6:**
to permit a maximum lot coverage of 36.29 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.

The agent Ida Evangelista appeared on behalf of the application. She described that several changes to the proposal have been made to attempt and address Committee issues. The front façade has been revised to be more in keeping with neighbourhood.

Daniel O’Kopniak of 168 Krieghoff Avenue spoke in opposition to the application. The square footage as proposed could result in more water runoff to other properties.

Ian Free of 154 Krieghoff Avenue spoke in opposition to the application. He does not believe applicant has provided sufficient reasoning to request a minor variance.

Christine Free of 154 Krieghoff Avenue spoke in opposition to the application. She does not believe there is a comparable as built house on this street.

Committee member Tom Gutfreund indicated it is a larger proposed house. He does not believe the proposal is appropriate.

Ms. Evangelista responded that there is limited open to below space for this house. Front and rear yard and landscape space variances are not being requested here. In terms of drawings accuracy, if proposal is approved it would have additional review by Building Dept to ensure drawings are consistent with the proposal as presented. She also consulted with City Urban Design staff to see if proposal could be further 'refined'.

Committee member Jeamie Reingold does not believe the proposal is consistent for this neighbourhood.

Committee member Sally Yan asked about what reductions were made.

Ms. Evangelista stated that the ceiling heights have been reduced.

Committee member Tom Gutfreund indicated he feels the building is too large for the property at hand.

Committee member Jeamie Reingold asked if the front façade can have additional revisions.

Committee member Arun Prasad does not believe the design discussion is pertinent.

Moved By: Arun Prasad

Seconded By: N/A

THAT Application No. A/148/19 be approved subject to conditions contained in the staff report.

Resolution Failed to Carry

Moved By: Sally Yan

Seconded By: Arun Prasad

Jeamie Reingold opposed

THAT Application No. A/148/19 be approved subject to conditions contained in the staff report with reduced variances of height to 26 feet and reduced lot coverage to 35 percent.

Resolution Carried

5. A/152/19

Owner Name: Yuan Wu and Zhi Bo Lai
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 26 ft 8 in, whereas the By-law permits a maximum of 25 ft;
- c) **Section 6.1:**
a maximum lot coverage of 36.17 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.

The agent Ida Evangelista appeared on behalf of the application. Variance d had been removed from their requests. The area is undergoing change in its house composition.

Daniel O’Kopniak of 168 Krieghoff Avenue spoke in opposition to the application. He contends there is a negative slope proposed here which could exasperate flooding issues of the neighbourhood.

Ian Free of 154 Krieghoff Avenue spoke in opposition to the application. He raised that in Thornhill several houses with reverse slope driveways encountered flooding issues.

Christine Free of 154 Krieghoff Avenue spoke in opposition to the application. The porch as proposed could impact light/shade to other existing homes.

Committee member Jeamie Reingold does not believe the area is in transition.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

Jeamie Reingold opposed

THAT Application No. A/152/19 be approved subject to conditions contained in the staff report and that building height reduced 26 feet and lot coverage reduced to 35 percent.

Resolution Carried

NEW BUSINESS:

1. A/066/20

Owner Name: Ms WENJUAN CHEN
Agent Name: Henry Wen
30 Neeland Rd, Markham
PLAN 65M2427 PT LOT 15 65R9925 PTS 1 & 2

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

a) Section 5.2.1:

a Second Dwelling Unit; whereas the by-law permits no more than one (1) semi-detached dwelling on one (1) lot;

b)Section 5.2.1:

an opening for a door to be located 0.58 m from the interior side lot line; whereas the by-law requires a minimum of 1.2 m.

as it relates to a proposed basement apartment. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Henry Wen appeared on behalf of the application. The subject property is in southern quadrant of city close to the City of Toronto. The door to secondary suite will be opening inward. The suite will meet the growing population needs for the city.

Committee member Arun Prasad inquired about this door accessing the secondary suite and how it is oriented.

Mr. Wen responded that this side door has been in existence for long period. Committee member Jeamie Reingold asked about one of the proposed basement window and if it is accessible.

Staff indicated this is an ingress window to meet Fire Code requirements to ensure firefighters could access suite in an emergency situation.

Committee member Tom Gutfreund raised concerns about the inward opening door.

The Chair indicated there is a condition proposed that a third party report to demonstrate Ontario Building Code (OBC) compliance.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

Tom Gutfreund and Arun Prasad opposed

THAT Application No. A/066/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/070/20

Owner Name: Jim Kalogiros
Agent Name: Gregory Design Group (Shane Gregory)
95 Emmeloord Cres, Markham
PLAN M1475 LOT 31

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

a) Section 6:

a minimum side yard setback of 4 feet, whereas the By-law requires 6 feet;

b) Section 6.1:

a maximum height of 26.75 feet, whereas the By-law requires 25 feet;

c) Section 6.1:

a maximum lot coverage of 40.3 percent, whereas the By-law requires 33.3 percent;

d) Section 6:

a minimum front yard setback of 22 feet 11 inches, whereas the By-law requires 25 feet;

e) Section 4.6:

a rear yard setback for accessory building of 18 inches, whereas the By-law requires 2 feet;

f) Section 4.6:

a side yard setback for accessory building of 18 inches, whereas the By-law requires 2 feet;

as it relates to a proposed two storey detached house. **(Central District, Ward 3)**The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. Here, he contends staff did not have any initial issues with the proposal. There is a rear facing porch which attributes itself to the variance requests.

Greg Ambrozic 97 Emmeloord Crescent spoke in opposition to the application. There are several side windows here which would appear into their home. He references 94 Emmeloord Crescent with an in-fill house which is actually compatible for the neighbourhood. The visual fabric of neighbourhood would be impacted.

Arina Nummi of 50 Emmeloord Crescent spoke in opposition to the application. The lot coverage is requesting an increase of 7 percent which she does not believe is minor. She is concerned that privacy will be compromised with her own house.

Steve Chipun of 99 Emmeloord Crescent spoke in opposition to the application. He is concerned with water runoff.

Ian Free of 154 Krieghoff Avenue spoke in opposition to the application. This is a request for 5 variances which is excessive. There used to be a swamp in this area and attributes to flooding issues here exasperated with these new built homes.

Christine Free of 154 Krieghoff Avenue spoke in opposition to the application. She does not believe the scale of this house is consistent with the area. She also believes further impact to existing tree canopy may occur here. This type of built is not supportable for this neighbourhood.

Linda Bellini of 46 Emmeloord Crescent spoke in opposition to the application. This is, of appearance, a concrete type structure. She believes the request is too substantial.

Karen Wherry of 48 Emmeloord Crescent spoke in opposition to the application. The neighbourhood character is being altered now. The builders are now altering these established neighbourhoods.

Sandy Wong of 88 Emmeloord Crescent spoke in opposition to the application. She had attended a previous COA meeting for another proposal and concerns with that. The building height is of concerned.

Mr. Gregory stated that he recognizes the comments from residents. Only three trees are to be removed, with majority of them in a poor state. For drainage, there is an extensive municipal process to address such issues. The cabana in the rear does affect the variance requests.

Committee member Tom Gutfreund commented this is too large a proposal for this lot.

Committee member Jeamie Reingold believes if the overall size is reduced it would be more compatible for this neighbourhood.

Committee member Arun Prasad states that further attempts to work with neighbours on this proposal may be appropriate here.

Committee member Sally Yan commented that privacy issues with neighbours does not appear to have been sufficiently addressed thus far.

Committee member Kelvin Kwok believes deferral of application could be appropriate.

Mr. Gregory inquired of Committee what changes to proposal would be acceptable for them.

The Chair indicated that the footprint brought forward to front lot line and removal of cabana would be preferable.

Committee member Jeamie Reingold stated the overall building footprint should be reduced.

Committee member Tom Gutfreund would support reduction in setbacks. Length of building, lot coverage, height could also be reduced.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/070/20 be deferred sine die.

Resolution Carried

3. A/074/20

Owner Name: Fion Madan and Rishi Madan
Agent Name: vin engineering inc (sunil shah)
264 Riverlands Ave, Markham
PLAN 65M4375 LOT 153

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

a) Section 6.3.1.2:

a detached private garage and any storey above the first storey of a detached private garage to be setback 4.72 m from the main building, whereas the By-law requires a minimum of 6.0 m;

b) Section 6.3.1.7 b):

a maximum lot coverage of 18.6 percent, whereas the By-law permits a maximum of 18 percent for a detached private garage on a lot with a frontage less than 9.75m;

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

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/074/20 be approved subject to conditions contained in the staff report.

Resolution Carried

-The staff informed the Committee that an LPAT appeal had been received for 20 Personna Boulevard (file NO. A/175/16). Staff are processing the appeal and will be forwarded to LPAT soon.

MOTION TO ADJOURN

Moved by Tom Gutfreund
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned at 11:00 PM, and the next regular meeting will be held on August 12, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair