



CITY OF MARKHAM
Virtual meeting on zoom

September 16, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 18th 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, Acting Chair	7:00PM
Patrick Sampson	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

Regrets

Gregory Knight

Justin Mott, Acting Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Francois Hemon-Morneau, Development Technician
Aleks Todorovski, Planner I

DISCLOSURE OF INTEREST

None

Minutes: September 2, 2020

THAT the minutes of Meeting No. 17 of the City of Markham Committee of Adjustment, held September 2, respectively, be

- a) Approved as submitted, on September 16, 2020.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

PREVIOUS BUSINESS

1. A/034/20

Owner Name: ZHI DA CEN
Agent Name: ARK Group (Daniel Wong)
47 Hawkrige Ave, Markham
PLAN 6584 LOT 1

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):

To permit a net floor area ratio of 49.7 percent, whereas the By-law allows a maximum floor area ratio of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Ken Tai appeared on behalf of the application. He indicates that the use is complimentary for this site. He also provided additional supporting material displaying day and night time photos. He has stated that they had removed uncovered the stair encroachment. He has highlighted that they listened to staff and community comments and included those changes in the plans.

Committee member Patrick Sampson asked about the increase in stair steps and what caused that to happen.

Mr. Tai responded that they didn't change the elevation; they worked with engineering to revise the grade, and the elevation had not changed. They wanted to save the trees.

Committee member Sally Yan followed up about the steps, stating that landscaping will assist in masking or hiding the steps. She also inquired about addressing the comments and if the applicant spoke with neighbours.

Mr. Tai indicated that he took notes from the last meeting and addressed issues raised at the previous meeting.

Committee member Jeamie Reingold commented that she likes what she sees and the changes made and the fact that the agent listened to Committee and the neighbours. She would move to support this application.

Committee member Arun Prasad inquired about the open to below and asked if it had changed and how the NFA has been reduced.

Mr. Tai confirmed that it was the same square feet as before. The dwelling was reduced two feet from the rear. They have trimmed down the breakfast area, the front of the study area, and the back of the building, they reduced the front of the study area.

Committee member Calvin Kwok inquired about the removal of the initial front yard encroachment variance and asked Mr. Tai to explain.

Mr. Tai responded that he pushed the building back two feet to accommodate the encroachment.

Acting Chair Tom Gutfreund is happy with the design and believes it will fit into the community nicely.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No. A/034/20 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. B/009/20

Owner Name: The Crupri Management Corporation Inc. (Cosimo Crupi)
Agent Name: Dillon Consulting Ltd (Raphael Romeral)
185 Bullock Dr, Markham
CON 7 PT LOT 12 65R10587 PT 1

For provisional consent:

- a) to establish easement over PART 1 on PLAN 65R-38891 for storm-water purposes including maintenance, repair, and replacement of existing storm water drainage pipe in favor of 189 Bullock Drive. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Joseph Guzzi appeared on behalf of the application. Committee member Jeamie Reingold believes that the application was straight forward and sees no reason that this application can't be supported.

Committee member Calvin Kwok inquired about if anything was going on at the neighbouring property at 189 Bullock Drive.

Mr. Guzzi clarified that nothing is happening to the easement at the moment, and that it was built many years ago, and nothing is currently proposed on the site. It is linked to the Site Plan Control application, and through staff review, it was recommended to have the easement legalized.

Committee member Arun Prasad asked if the owners of 185 Bullock Drive and 189 Bullock Drive are the same and further inquired about the uses on the property.

Mr. Guzzi responded that 185 Bullock Drive is owned by The Crupri Management Corporation Inc., and 189 Bullock Drive is owned by PS Bullock Drive Inc. They are two separate owners. 189 Bullock Drive is a public storage facility and is not as an intensive use as a car repair facility.

Committee member Sally Yan inquired about the impact of refusing the original variance and why an easement request is required.

Mr. Guzzi responded that this easement should have been granted when 189 Bullock Drive was developed. The applicant is now coming to Committee to legalize the easement during the Site Plan review process.

Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok

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

Resolution Carried

2. A/043/20

Owner Name: Chamkaur Singh and Sukhvinder Kaur Singh

Agent Name: Cantam Group LTD. (Yaso Somalingam)
106 Sophia Rd, Markham
PL 65M3092 PT LT 2 65R18820 PTS 7 & 8

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

- a) **Section 5.2.1:**
to permit a Second Dwelling Unit, whereas the By-law permits no more than one (1) Semi-Detached Dwelling on one (1) lot;
- b) **Section 5.2.6:**
to permit a door that faces the interior side lot line to be located 0.61m from the interior side lot line, whereas the By-law requires a minimum of 1.2m;

as it relates to an existing basement apartment that was built without a permit (**East District, Ward 7**)

The Secretary-Treasurer introduced the application.

The agent Yaso Somalingam appeared on behalf of the application.

Committee member Patrick Sampson clarified that this unit already exists and inquired if it was for commercial or family use, and if a parking variance is required.

Mr. Somalingam explained that the owner's tried to comply with all the requested issues brought up by the By-law officers. The unit is intended for family use only.

Committee member Arun Prasad noted that 104 Sophia Rd is owned by the same owner or has the same last name. He asked if the neighbor lives in that house and has legalized the basement and is renting it.

Mr. Somalingam explained that 104 Sophia Road is the owner's brother and they had legalized the basement, lives in the house and currently rents that basement.

Committee member Calvin Kwok asked the agent to explain the changes to the conditions briefly.

Mr. Somalingam responded that they're making the egress window bigger to comply with the fire code. They have also made changes to the HVAC and sprinkler systems.

Committee member Sally Yan has concerns about the door meeting the zoning By-law. The door doesn't provide an adequate space to open and does not meet the building code. The side door will encroach onto the neighbouring properties and may be an issue if the brother sells the property in the future.

Mr. Somalingam responded that there is a two-foot setback on both properties, which would enable enough space. He explained that this is common in other GTA and Canadian municipalities. When there is only a two feet setback, there is no way that another person can walk without walking on the other person's property, and that is the intention. There is a four feet distance being shared, and both neighbours have always shared this, and this is nothing new. The door will meet building and fire code regulations.

Committee member Jeamie Reingold agrees with Sally about the concerns brought up by staff and the issues surrounding the side yard entrance. Additional access needs to be built. She will not support the application with the current entry.

Committee member Arun Prasad asked if the agent was aware of this point about moving the door entrance.

Mr. Somalingam stated that it meets requirements, does not think it encroaches, and does not see a problem with the door opening. There is a current agreement with the current owners. There is enough space to walk through the door.

Committee member Arun Prasad does not agree with the current owners having an agreement. The future owner could have a problem with all of this.

Committee member Tom Gutfreund raised concerns about access if future owners were to install a fence between the two properties.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/043/20 be deferred sine die.

Resolution Carried

3. A/073/20

Owner Name: Chris Mandarino
Agent Name: JS Barmi Architect (Jagdip Barmi)
72 Royal Orchard Blvd, Thornhill
PLAN 7686 LOT 85

The applicant is requesting relief from the requirements of By-law 2150 as amended to permit:

a) Section 6.1:

To permit a minimum two-storey west side yard setback of 4 feet, whereas the By-law requires a minimum side yard setback of 6 feet;

as it relates to a proposed second floor addition. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

Jagdeep Barmi appeared on behalf of the application.

Committee member Patrick Sampson asked if the covered canopy at the rear of the building is part of the allowable GFA of the existing building.

Mr. Jagdeep stated that it is part of the current house, and that they are not seeking additional lot coverage.

Committee member Tom Gutfreund stated there are no sides on the canopy.

Manager, Zoning and Special Projects Bradley Roberts explained that an unenclosed or uncovered patio such as the front and rear patio, are not part of the NFA or GFA of the structure. They are only subject to setbacks requirements.

Committee member Jeannie Reingold stated that she sees no issues, and it is modest. The design looks compatible with the addition and suits the neighbourhood.

Committee member Sally Yan agreed with Jeannie supports the application. This is a minor addition and follows the side yard setbacks. It maintains the existing site. It is an excellent new addition to accommodate the modern master bedroom, and it has an oversized lot that can handle the infill.

Moved By: Sally Yan

Seconded By: Jeannie Reingold

THAT Application No A/073/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/082/20

Owner Name: ADNANUL ARABI and TAZEEN ADNAN
Agent Name: Varatha Design Associates (Ken Varatha)
61 Demott Ave, Markham
PLAN 65M4375 LOT 39

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

a) Section 6.6.3 a) I):

stairs accessing the main building to encroach 2.5 metres into the required rear yard, whereas the By-law permits a maximum encroachment of 2.0 metres;

b) Section 6.3.1.2:

a setback of 3.66 metres between the detached private garage and the main building stairs, whereas the By-law requires a minimum of 6.0 metres;

c) Section 7.190.1 a) ii):

an accessory dwelling unit that is not located above a private garage, whereas the By-law permits an accessory dwelling unit provided it is located above a private garage in either the main building or an accessory building on the same lot;

as it relates to a proposed basement apartment. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Ken Varatha appeared on behalf of the application.

Committee member Sally Yan asked for clarification around the parking arrangement and whether or not it is existing.

Mr. Varatha stated that the developer had built the parking spot previously.

Committee member Jeamie Reingold inquired about the purpose of building this accessory building.

Mr. Varatha responded that the daughter is getting married and would like to live in the same home.

Moved By: Arun Prasad

Seconded By: Kelvin Kwok

THAT Application No A/082/20 be approved subject to conditions contained in the staff report.

Resolution Carried

Moved by: Patrick Sampson

Seconded by: Kelvin Kwok

THAT the virtual meeting of the Committee of Adjustment be adjourned at 8:20 PM, and the next regular meeting will be held on October 7, 2020.



Secretary-Treasurer,
Committee of Adjustment



Acting Chair

CARRIED