



CITY OF MARKHAM
Virtual meeting on zoom

October 7, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 19th 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
Patrick Sampson	7:00PM
Gregory Knight, Chair	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

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

DISCLOSURE OF INTEREST

-COA member Kelvin Kwok indicated he is within the circulation area for A.078.20. However, he does not know the applicant.

Minutes: September 16, 2020

THAT the minutes of Meeting No. 18 of the City of Markham Committee of Adjustment, held September 16, respectively, be

- a) Approved as submitted, on October 7, 2020.

Moved By: Arun Prasad

Seconded By: Kelvin Kwok

PREVIOUS BUSINESS

1. **A/126/19**

Owner Name: Nimalharan Nagarajah and Bremshuya Sinnathamby
Agent Name: SHDesign (Samir Hinnawi)
69 Robinson St, Markham
PLAN 4949 LOT 96

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(i):**
a maximum building height of 10.46 metres, whereas the by-law permits a maximum building height of 9.80 metres;
- b) Infill By-law 99-90, Section 1.2(vi):**
a maximum Net Floor Area Ratio of 49.95 percent, whereas the by-law permits a maximum Net Floor Area Ratio of 45 percent;
- c) Infill By-law 99-90, Section(iii):**
a maximum building depth of 19.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent Mr. Hinnawi appeared on behalf of the application. This is the third time they were bringing forward the application. Some changes to the proposed had been done.

Elizabeth Brown of 65 Sherwood Forest Drive appeared on behalf of the application. She contends the proposal has not been substantially altered. In reviewing the elevation drawings, she does not believe the overall design has also been altered either. The 'breaking up' of the windows does not act to diminish overall visual impact at the street level. She further argues the open to below space acts to actually increase the overall size of the interior space.

Mr. Hinnawi responded that the open to below space has appeared in 2 other proposals he has previously brought to this COA. He contends that it is not an issue that is relevant to the COA's discussion here.

Committee member Jeamie Reingold states that the proposal is not compatible for the subject neighbourhood. The overall scale and massing is of concern to her.

Committee member Tom Gutfreund believes the Official Plan and Zoning By-law are not consistent with this proposal. He argues the net floor area variance request is still substantial 'ask'.

Mr. Hinnawi stated that design is subjective and is not something which COA should be discussing.

The Chair commented that, the new builds of the area, are not reflective of this proposal at hand.

Committee member Tom Gutfreund commented that he had wanted to attempt further discussions with applicant but it doesn't appear a revised proposal is possible.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/126/19 be refused

Resolution Carried

2. A/018/20

Owner Name: Fang Chen and Junhua He
Agent Name: Rachel Y.H. Sun Architect (Rachel Sun)
7 Shorthill Dr, Markham
PLAN 65M2269 LOT 17

The applicant is requesting relief from the requirements of By-law 134-79 as amended to permit:

- a) Section 6.1:**
one accessory dwelling unit in the basement, whereas the By-law permits a single detached dwelling;
- b) Section 5.7 (a):**
uncovered stairs to project a distance of 0.96m into the required interior side yard, whereas the By-law permits a maximum projection of 0.45m;
- c) Section 7.2:**
a maximum lot coverage of 34.6 percent, whereas the By-law permits a maximum of 33-1/3 percent;
- d) Section 6.2:**

an accessory building located 0.35m from the side yard, whereas the By-law permits a minimum of 0.6m from the nearest lot line;

as it relates to an existing rear shed and basement apartment with a walkout that was built without a permit. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Rachel Sun appeared on behalf of the application.

Committee member Arun Prasad asked if the basement is being rented out.

Ms. Sun responded that she is unsure, but it appeared that the basement had previously been rented out.

Committee member Patrick Sampson raised concerns that this may be a potential rooming house due to the number of bedrooms and additional kitchen in the basement.

Ms. Sun clarified that there will only be one kitchen in the basement. The second basement kitchen will be removed and is reflected in the plans.

Staff commented that, if the application were to be approved, the applicant will not be permitted to retain the third kitchen or third unit. The Fire Department would inspect the property to ensure compliance and removal of the third kitchen.

Committee member Kelvin Kwok asked if they may look to defer to obtain more information on whether the suite is currently rented out, how many people are living in the house etc.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No. A/018/20 be deferred sine die.

Resolution Carried

3. A/032/20

Owner Name: Prazaanah Balasbramanyam & Mythily Balachandran
Agent Name: Zanjani Architect Inc (Sia Zanjani)
14 Thurgate Crescent, Thornhill
PLAN M1442 LOT 37

The applicant is requesting relief from the requirements of By-law 2612 as amended to permit:

a) Schedule B, Building Height:

a maximum building height of 28 ft 11 1/4 in, whereas the By-law permits maximum building height of 25 ft from established grade to midpoint of sloping roof;

b) Schedule B, Lot coverage:

a maximum lot coverage of 2,321 sq. ft. (37 percent), whereas the By-law permits maximum lot coverage of 2088 sq. ft. (33 1/3 percent);

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

The Secretary-Treasurer introduced the application.

The agent Sia Zanjani appeared on behalf of the application. He wanted to clarify some aspects of the proposal as he contends there is mis-information.

Bob Ho of 19 Thurgate Crescent spoke in opposition to the application. He is concerned that this is only the beginning of other in-fill occurring in the area.

Julia Pare of 21 Thurgate Crescent spoke in opposition to the application. She is concerned with the lot coverage request. She believes this would result in a ground floor area which is greater than her own house.

Eva Higson of 26 Thurgate Crescent spoke in opposition to the application. She affirmed that she supports previous resident comments.

Wong Lai Yee of 12 Thurgate Crescent spoke in opposition to the application. They contend the applicant is misleading the Committee as the proposed deck in rear will be larger than as being shown.

Shelly Robins of 9 Thurgate Crescent spoke in opposition the application. They are concerned that this is the beginning of further in-fill development in the area.

Mr. Sanjani responded that there are grade differences with the property which may make it appear larger at the street line.

Committee member Tom Gutfreund indicated that design is not regulated as per the Planning Act.

Committee member Jeamie Reingold is not concerned with the proposal and ability to fit within this neighbourhood. However, she inquired if there could be change in terms of building material used. In addition, landscaping of the property would need careful consideration here.

Committee member Patrick Sampson inquired about the roofline of this proposal in comparison to other existing houses of the area.

Committee member Sally Yan stated that she believes this house 'regeneration' will be occurring here due to demographic changes.

Moved By: Arun Prasad
Seconded By: Sally Yan

Patrick Sampson opposed

THAT Application No. A/032/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/042/20

Owner Name: Shiyu Zhao and Hao Zhang
Agent Name: Rockim Design Inc. (Rock Kim)
3 Talisman Cres, Markham
PLAN 4877 LOT 45

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 maximum Net Floor Area Ratio of 49.5 percent, whereas the By-law permits a maximum Net 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 Rock Kim appeared on behalf of the application. Changes to the proposal have been attempted.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. A/042/20 be approved subject to conditions contained in the staff report.

Resolution Carried

5. B/007/20

Owner Name: Kylemore Post Road Ltd. (Mr Michael Montgomery)
Agent Name: Kylemore Post Road Ltd. (Mr Michael Montgomery)
Kylemore Post Road Ltd.
Royal Aberdeen Rd, Markham
PLAN 65M4065 BLK 53

To permit:

- a) establish easements for reciprocal access, passage and servicing.
(West District, Ward 6)

The Secretary-Treasurer introduced the application.

Staff indicated a deferral was requested so that staff can have further discussion with the applicant on technical aspects of application.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

Arun opposed

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

Resolution Carried

NEW BUSINESS:

1. A/078/20

Owner Name: Svina Dhaliwal and Harinder Viridi
Agent Name: KBK Studios Inc (Rama Quqa)
17 Heatherwood Crescent, Markham
PLAN 65M2556 LOT 140

The applicant is requesting relief from the requirements of By-law 134-79 as amended to permit:

- a) **Section 7.1**

to permit an accessory dwelling unit, whereas the By-law does not permit the use;

as it relates to a proposed secondary suite. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application. It was indicated that a resident comment was received today. However, comments were received after the commenting deadline. The resident was told they could participate at the meeting directly but they did not respond to staff relating to this.

The agent Rama Quqa appeared on behalf of the application.

Committee member Patrick Sampson indicated that provincial policies support secondary suites.

Terrence Chun 12 Heatherwood Crescent spoke in opposition to the application. Parking is limited here and this could contribute to area parking issues.

Committee member Arun Prasad asked if the owners will be living in the unit.

Mr. Quqa responded it is primarily for the property-owners parents to reside in. Further issues with this proposed suite would be addressed at building permit stage.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No A/078/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

2. A/084/20

Owner Name: Albert Huynh and Karen Hope Zhou
Agent Name: Albert Huynh
107 Delmark Blvd, Markham
PLAN M1879 LOT 93

The applicant is requesting relief from the requirements of By-law 162-78 as amended to permit:

- a) Section 6.1:**
to permit an accessory dwelling unit, whereas the By-law does not permit the use;

as it relates to a proposed basement apartment. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The owner Albert Huyn appeared on behalf of the application. The unit is for family and in-laws and potential other tenants.

Committee member Patrick Sampson asked about the garage dimensions and changes to it.

The Chair believes that if changes to the garage dimension affected parking, it would be address by Building staff.

Committee member Sally Yan raised concerns as raised by the local Councillor about potential for a rooming house.

Mr. Huynh responded it will not be a rooming house.

Helen Paul of 105 Delmark Boulevard asked about 7 bathrooms and expansion of driveway and if this is for a family use.

Mr. Huynh responded it is for need of family and the driveway was not expanded.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/084/20 be approved subject to conditions contained in the staff report.

Resolution Carried

Moved by Patrick Sampson
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned at 9:30PM, and the next regular meeting will be held October 21, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair