



CITY OF MARKHAM
Virtual meeting on zoom

October 21, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 20th 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

Regrets
Kelvin Kwok

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

DISCLOSURE OF INTEREST

None

Minutes: October 7, 2020

THAT the minutes of Meeting No. 19 of the City of Markham Committee of Adjustment, held October 7, respectively, be

- a) Approved as submitted, on October 21, 2020.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

NEW BUSINESS:

1. **A/026/20**

Owner Name: Ayesha and Fahd Naqui
Agent Name: Penguin Basements (Rodrigo Zagarese)
98 Ramona Blvd, Markham
PLAN 9143 LOT 118

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

- a) Section 6.1:**
to permit one secondary dwelling unit in the basement, whereas only one single detached dwelling is permitted;
- as it relates to a proposed basement apartment. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Rodrigo Zagarese appeared on behalf of the application. He indicates that the application follows provincial policy to facilitate affordable housing and mixed density, and is an additional income for the homeowners.

Committee member Tom Gutfreund asked if the owners lived in the dwelling.

Mr. Zagarese responded, yes.

Committee member Arun Prasad asked if the basement is already finished or if the applicants will apply for a building permit to finish the basement.

Mr. Zagarese responded that they would be applying for a building permit.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/026/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

2. **A/041/20**

Owner Name: Yaqing Yu
Agent Name: OBP Consultants Inc. (Hongxing Xin)
35 Bakerdale Rd, Markham
PLAN M1789 BLOCK B

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):**
a floor area ratio of 49.7 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Infill By-law 99-90, Section 1.2(i):**
a maximum building height of 10.12m (33.2ft), whereas the By-law permits a maximum height of 9.8m (32.15ft);

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

The Secretary-Treasurer introduced the application.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No A/041/20 sine die.

Resolution Carried

3. **A/081/20**

Owner Name: Aiyang Zhang
201 Helen Ave, Markham
PLAN 65M4066 LOT 2

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

- a) **Section 6.4(b):**
To permit a maximum permitted gross floor area of 23.78 square meters; whereas the By-law allows maximum permitted gross floor area of 10 square metres for detached accessory building;

as it relates to an existing accessory structure (garden shed) that was built without a permit. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent, Edwin Cheng, appeared on behalf of the application. He wanted to add that the building department has already approved the permit for construction of the shed, it is just pending the zoning clearance. They have also obtained nine letters of support from surrounding neighbours.

Committee member Tom Gutfreund indicated concern about the structure's size because the proposed shed is similar to the size of a garage. Tom calculated that the variance is 138% greater than what the By-law permits and asked the agent to explain how this is minor in nature.

Mr. Cheng responded that other municipalities allow for a 10% coverage for accessory buildings, whereas the current shed only has a 6% coverage which should be considered minor in nature.

Committee member Patrick Sampson asked for clarification about whether the existing shed would be removed and expressed concerns about the runoff to neighbouring properties.

Committee member Arun Prasad also inquired about the purpose of this new shed.

Mr. Cheng responded that the existing shed would be removed, and the percentage of that area would be heavily landscaped. The new shed would facilitate outdoor sports equipment storage because the basement of the existing dwelling would not be suited for this type of storage.

Committee member Sally Yan asked why the application was submitted.

Mr. Cheng responded that the applicant was not aware that the 10% lot coverage did not apply within the City of Markham.

Committee member Tom Gutfreund does not think removing the existing shed and dealing with the runoff issue is pertinent to this application. This variance is not minor; it is a very large structure in the backyard and does not meet the intent of the Zoning By-law.

Motion to deny: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/081/20 be denied.

Resolution Carried

4. **A/088/20**

Owner Name: Weins Canada Inc. (Ken Yokoyama)
Agent Name: R.H.CARTER ARCHITECTS INC. (EMIL FRANK)
7537 Woodbine Ave, Markham
CON 4 PT LT 4 65R19862 PT 1

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

a) Parking By-law 28-97, Section 3.0 Table B:

193 parking spaces, whereas the By-law requires a minimum of 209 parking spaces;

b) Amending By-law 228-98, Section 6.4(h)(ii):

0 meters landscaped open space immediately abutting northerly interior side lot line, whereas the By-law requires a minimum of 3 meters;

as it relates to a proposed car showroom and service department. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Emil Frank appeared on behalf of the application.

Committee member Sally Yan asked for clarification about the total square footage and the purpose of the second floor.

Mr. Frank responded that the second floor is used only for staff, such as meeting spaces, lunchrooms, and offices.

Committee member Jeamie Reingold commented that other dealerships in the area have the same layout. She does not see this as a problem and supports this application

Committee member Patrick Sampson inquired about the number of parking spots.

Mr. Frank responded that the gas facility on the property required by the suppliers used up required parking space.

Committee member Tom Gutfreund inquired if transports would unload new vehicles on Woodbine Avenue and is satisfied knowing that there will be curves added to the north side of the lot to protect anyone from going through the chain-linked fence.

Mr. Frank responded that the vehicles could be offloaded on the property, and a curve will be installed on the north side of the property along with wheel bumper guards, which will limit any cars going close to the fence.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/088/20 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/091/20

Owner Name: Tiago Dos Santos & Belinder Naccarato
Agent Name: SHDesign (Samir Hinnawi)
34 Shady Lane Cres, Thornhill
PLAN 7686 LOT 375

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

- a) Amending By-law 2223, Section 6.1 - Minimum Front Yard Setback:**
a front yard setback of 19.84 feet (6.05m), whereas the By-law requires a minimum front yard setback of 20 feet;
- b) Section 3.7 - Permitted Yard Encroachment:**
a front yard unenclosed roofed porch/eave encroachment of 91 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required front yard;

as it relates to a proposed front yard addition and front covered porch (Note: the applicant is not requesting any variances for the proposed rear yard addition). **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Samir Hinnawi appeared on behalf of the application.

Committee member Patrick Sampson commented that this was an upgrade to a modest home, which largely retains the home's look compared to other legacy homes in the area. Based on the staff report, he supports the application.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No A/091/20 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by Patrick Sampson
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned at 8:30 PM, and the next regular meeting will be held on November 4, 2020.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Acting Chair