



CITY OF MARKHAM
Virtual Meeting on Zoom

February 16, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 3rd regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Gregory Knight, Chair	7:00 pm
Jeamie Reingold	7:00 PM
Tom Gutfreund	7:00 PM
Patrick Sampson	7:00 PM
Sally Yan	7:00 PM
Kelvin Kwok	7:00 PM
Arun Prasad	7:00 PM

Justin Mott, Acting Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Dinal Manawadu, Development Technician, Zoning and Special Projects

DISCLOSURE OF INTEREST

None

Minutes: February 2, 2022

THAT the minutes of Meeting No. 02 of the City of Markham Committee of Adjustment, held February 2, 2022, respectively, be

- a) Approved as submitted, on February 16, 2022

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Carried

NEW BUSINESS:

1. **A/058/21**

Owner Name: Minfang Jin
Agent Name: W.E. Consulting & Construction Ltd. (Jerry Yue)
28 Garcia Street, Markham
PLAN 65M3178 LOT 42

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

- a) **Section 6.5:**
a second dwelling unit (basement unit), whereas the By-law permits one dwelling unit per lot;

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

The Secretary-Treasurer introduced the application.

The agent Kathy Huang appeared on behalf of the application.

Committee member Tom Gutfreund asked about the one car in the garage and the one car on the driveway, which is reflected in the drawing, and he also wanted to understand the driveway widening and how the third car would fit into the proposal.

The agent, Kathy Huang, confirmed that the dwelling has an existing double-car garage.

Committee member Tom Gutfreund wanted clarification as to where the entrance to the basement is on the drawings.

The agent, Kathy Huang, stated that you enter from the front door and then enter down the stairs.

Committee member Tom Gutfreund thinks this is inconvenient for the homeowner.

Committee Chair Gregory Knight inquired about the Building Code and wondered if it is possible to access another area of the dwelling.

Manager of Zoning & Special Projects, Brad Roberts, stated that the permission is only for use. The interior of the dwelling is regulated through the Building Code. There needs to be proper exiting through the Fire and Building Code. It will be addressed through the Building Department's review.

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Committee Chair Gregory Knight cautioned the applicant that this could be approved and used as a suite, but it may need a second entrance in the future because a building permit is still required.

Committee member Arun Prasad asked if one of the windows could be changed to a door and wanted clarification about the drawings because they were confusing. He also wanted to know why there is only one car in the garage, while it states it is a two-car garage. His main concern was safety.

Manager of Zoning & Special Projects Brad Roberts stated that the Chief Building Official would not provide a permit unless the unit satisfies the Building Code.

Committee member Arun Prasad asked the agent if they wanted approval while knowing they may not receive a building permit.

The agent, Kathy Huang, stated that the homeowners are seniors, they wanted additional income, and were not worried about privacy. However, she wanted to know how to get a building permit.

Manager of Zoning & Special Projects, Brad Roberts, stated they needed to comply with the Building Department. The Building Department may provide comments, and a future variance may be needed depending on adding stairs or any other feature within the home. Brad clarified that they would first need a minor variance and a building permit to make it a legal basement suite. He reiterated that only approval through the Committee of Adjustment would permit the use.

Committee Chair Gregory Knight asked if anyone in attendance was representing this application. He recommended deferral so that the applicant can amend the variances to ensure the basement is legal. Then the applicant will not need to come back with another application for future variances if the Building Department determines non-compliance.

Manager of Zoning & Special Projects, Brad Roberts, stated that the applicant should make that choice.

The agent, Kathy Huang, asked if it would permit the legal basement.

Committee member Tom Gutfreund clarified that the variance would only permit the use, but it does not mean they can use it as a basement suite; they still have to comply with the Building Department Code. It is the first of many steps before using the basement as a secondary suite.

Manager of Zoning & Special Projects, Brad Roberts, stated they could reach out to the Committee of Adjustment email to ask any further questions.

Committee Chair Gregory Knight explained to the architect that the committee had difficulty understanding the basement entrance and that they had concerns about meeting the Building Code.

The architect, Jerry Yue, asked if they should provide a second entrance.

Committee Chair Gregory Knight stated that it would be recommended to do so.

The architect, Jerry Yue, stated that he could add the secondary entrance to the basement.

Manager of Zoning & Special Projects, Brad Roberts, stated that once they can confirm if they need stairs, and if a variance is needed, they can come back to the next Committee of Adjustment hearing. He recommended that a zoning preliminary review would help determine the variances.

The architect, Jerry Yue, requested to defer the application to make changes and ensure that the application would be compliant with the Building Code.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No A/058/21 be deferred sine die.

Resolution Carried

2. A/141/21

Owner Name: Alia Kan
Agent Name: Hickory Dickory Decks – Markham (Steve Hall)
48 Pagnello Court, Markham
CON 7 PT LOT 15 PLAN 65M4180 LOT 18

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

- a) **By-law 177-96, Section 6.2.1 (b)(ii):**
a deck to be located closer to the interior side lot line than main building, whereas the By-law permits a deck to be located no closer to the interior side lot line than the main building;

b) By-law 177-96, Section 6.2.1 (b):

a deck to extend 3.65 m from the wall closest to the rear lot line, whereas the By-law permits a maximum extension of 3.0 m from the wall closest to the rear lot line;

as it relates to a proposed deck. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Steve Hall, appeared on behalf of the application.

Committee member Jeamie Reingold thinks the application is minor, meets the four tests, and supports the application.

Committee member Tom Gutfreund agrees with committee member Jeamie Reingold.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No A/141/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/174/21

Owner Name: Xing Lin
Agent Name: LHW Engineering (Lihang Wong)
15 Karen Miles Crescent, Markham
PLAN 65M2470 PT BLK 93 RS65R11396 PARTS 3, 4 & 5

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

a) By-law 90-81, Section 5.2.6:

a door providing access to the interior of a dwelling to be located 0.60 m from the interior side lot line, whereas the By-law requires that a door providing access to the interior of a street townhouse dwelling to be located a minimum of 1.20 m from the interior side lot line;

as it relates to a proposed side yard door to access the basement. **(East District, Ward 7)**

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The Secretary-Treasurer introduced the application.

The agent Mohammed Firouzi appeared on behalf of the application.

Committee member Patrick Sampson responded about the terms of the safety, and how the Building Code would ensure safety throughout all basements in Canada. He also inquired about why there are two existing bathrooms in the house.

The agent Mohammed Firouzi stated that the bathroom already existed. They don't want to touch it.

Committee member Patrick Sampson asked if they rented the basement out.

Committee Chair Gregory Knight highlighted that a possible fence could be erected.

Committee member Tom Gutfreund stated that there is only 2 feet from the property line. He is worried about the possibility of a fence being erected and highlighted that a standard ambulance stretcher is 22 and a half inches and six feet long. The stretcher would not have enough space to be swung into the dwelling. Tom cannot support this application and believes that the staff report states it is undesirable.

The owner, Cindy Lin, stated that she needed an additional door in the basement because of her kids and seniors in the house.

Committee Chair Gregory Knight asked if she had talked to the neighbour.

Committee member Arun Prasad asked what happens if a new neighbour buys the house or erects the fence.

Committee member Arun Prasad asked Brad Roberts about the basement plans. It was clarified that the cool room is under the front porch.

Committee Chair Gregory Knight highlighted that an easement would be needed for this scenario. In addition, maybe a deferral would be needed.

Manager of Zoning & Special Projects, Brad Roberts, stated that the dynamic would change within the plans.

Committee Chair Gregory Knight highlighted that it could be a solution.

Committee member Jeamie Reingold does not support this application. A simple solution may be to insulate the cool room and add a door which would create a safer entrance. Jamie cannot support the application as it is.

Committee member Tom Gutfreund recommends that the applicant defer the application.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/174/21 be deferred sine die.

Resolution Carried

4. A/182/21

Owner Name: Elly Verdi
Agent Name: EPL Construction
19 Talisman Crescent, Markham
PLAN 4877 LOT 41

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

- a) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.6 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- as it relates to a proposed detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No A/182/21 be deferred sine die.

Resolution Carried

5. A/184/21

Owner Name: Ying Liang
Agent Name: Gregory Design Group (Shane Gregory)
18 Forest Park Crescent, Thornhill
PLAN M1325 LOT 66

The applicant is requesting relief from the requirements of By-law 2237, as amended to permit:

- a) **Amending By-law 101-90, Section 1.2 (i):**
a maximum building height of 10.84 metres, whereas the By-law permits a maximum building height of 9.80 metres;
- b) **By-law 2237, Section 6.1:**
a minimum front yard setback of 21.5 feet, whereas the By-law requires a minimum front yard setback of 27.0 feet;
- c) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 58.3 percent (4,478 square feet), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3,839 square feet);
- d) **By-law 2237, Section 6.1:**
a maximum lot coverage of 38.3 percent (3,014 square feet), whereas the By-law permits a maximum lot coverage of 33 1/3 percent (2,616 square feet);
- e) **Amending By-law 101-90, Section 1.2 (vi):**
a building depth of 21.94 metres, whereas the By-law requires 16.80 metres;

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

The Secretary-Treasurer introduced the application.

The agent, Russ Gregory, appeared on behalf of the application.

Jenna Lynde of 20 Forest Park supports the application.

Abbas Bahrapour of 3 Park Brook Place is worried about privacy.

The agent, Russ Gregory, did not know about the complaint. However, he does not believe the covered porch should be a problem and stated that only the length of the dwelling they're proposing.

Committee Chair Gregory Knight inquired about the pre-existing footprint of the burnt dwelling on the drawings.

The agent, Russ Gregory, confirmed that it was the pre-existing footprint on the drawings.

Committee member Sally Yan wanted to confirm the proper GFA.

Russ Gregory confirmed that they applied for 58.3, and there will not be any changes and believes the GFA will be lower.

Committee member Jeamie Reingold supports this application.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No A/184/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. **A/187/21**

Owner Name: Haowei Zhou
Agent Name: Z Square Group (Mengdi Zhen)
10 Alanadale Avenue, Markham
PLAN 5810 LOT 38

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

- a) **By-Law 99-90, Section 1.2 (i):**
a maximum height of 8.44 metres, whereas the By-law permits a maximum height of 8.0 metres;
- b) **By-law 1229, Section 11.2 (c)(i):**
a basement walkout to encroach 7.21 feet into the required rear yard, whereas the By-law permits a maximum encroachment of 18.0 inches into any required yard;
- c) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.4 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

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

The Secretary-Treasurer introduced the application.

The agent, Mengdi Zhen, appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Drive presented problems with the open to below. In addition, the flat roof has concerns with the overall proposal.

The agent Mengdi Zhen addressed the height.

Sandra Wilson of 13 Alanadale Avenue was concerned about the size of other houses. She believes it will change the entire street.

Committee member Jeamie Reingold stated that if a basement is built, it is legal from the province and that she believes this is a reasonably good parcel of land. The area is changing, and the proposal is very modest, and she would support this application.

Committee member Tom Gutfreund believes these variances are modest. A better rendering would have been great to visualize the dwelling, with surrounding dwellings. He supports the application.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No A/187/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/190/21

Owner Name: 12243598 Canada Inc. (Ivan Lysak)
Agent Name: Stoyanovskyy Architects Inc (Orest Stoyanovskyy)
72 Meadowview Avenue, Thornhill
REG COMP PLAN 10327 LOT 49

The applicant is requesting relief from the requirements of By-law 2237 as amended, to permit:

- a) **By-law 101-90, Section 1.2(ii):**
a minimum front yard setback of 9.90 metres, whereas the By-law requires a minimum front yard setback of 10.70 metres;
- b) **By-law 101-90, Section 6.1:**
a minimum west side yard setback of 1.22 metres for a second-storey addition, whereas the By-law requires a minimum side yard setback of 1.80 metres for a two-storey portion of a dwelling;
- c) **By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 57.0 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent;
- d) **By-law 2237, Section 3.7:**
a front yard roofed canopy encroachment of 60 inches, whereas the By-law permits a maximum roofed canopy encroachment of 18 inches into the required front yard;

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

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No A/190/21 be deferred sine die.

Resolution Carried

8. A/196/21

Owner Name: Shahnaz Khimji
Agent Name: Paar Design Inc. (Nikol Paar)
9 Cachet Parkway, Markham
PLAN 6897 LOT 79

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

- a) **By-law 304-87, Section 5.5:**
a building to have a minimum setback of 22.10 metres from the centre line of Warden Avenue, whereas the By-law requires a minimum setback of 40.0 metres from the centre line of any arterial road to any part of a building;

as it relates to the proposed two storey detached dwelling. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent, Nikol Paar, appeared on behalf of the application.

Committee member Tom Gutfreund supports this application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/196/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. B/015/21

Owner Name: Ebrahim Javady Torabi
Agent Name: Alexander Planning Inc. (Deborah Alexander)
2968 Elgin Mills Road East, Markham
CON 3 PT LOT 26 RP 65R5591 PART 1

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 473.80 square metres (5,099.94 square feet) and an approximate lot frontage of 17.43 metres (57.18 feet) (Parts 2 and 9);
- b) retain a parcel of land with an approximate area of 1,463.00 square metres (15,747.60 square feet) and an approximate lot frontage of 26.52 metres (87.01 feet) (Parts 1, 3, 4, 5, 6, 7 & 8).

The purpose of this application is to produce a total of three lots for a semi-detached residential development. The retained parcel will then be further divided to produce individual lots for each unit and to create the common element laneway. This application is related to consent application B/029/21 for 2968 Elgin Mills Road E. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent, Deborah Alexander, appeared on behalf of the application.

Committee member Tom Gutfreund supports the application.

Committee member Arun Prasad supports the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No B/015/21 be approved subject to conditions contained in the staff report.

Resolution Carried

10. B/029/21

Owner Name: Ebrahim Javady Torabi
Agent Name: Alexander Planning Inc. (Deborah Alexander)
2968 Elgin Mills Road East, Markham
CON 3 PT LOT 26 RP 65R5591 PART 1

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The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 414.70 square metres (4,463.79 square feet) and an approximate lot frontage of 13.80 metres (45.28 feet) (Parts 3 and 8);
- b) retain a parcel of land with an approximate area of 1,048.30 square metres (11,283.80 square feet) and an approximate lot frontage of 14.53 metres (47.67 feet) (Parts 1, 4, 5, 6, & 7).

The purpose of this application is to produce a total of three lots for a semi-detached residential development. This application is related to consent application B/015/21 for 2968 Elgin Mills Road E. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent, Deborah Alexander, appeared on behalf of the application.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No B/029/21 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 the Committee of Adjustment be adjourned at 8:58 pm, and the next regular meeting will be held on March 9, 2022.

CARRIED



Justin Mott
Acting Secretary-Treasurer
Committee of Adjustment



Gregory Knight
Chair, Committee of Adjustment