



CITY OF MARKHAM
Virtual Meeting on Zoom

April 6, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 6th 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
Tom Gutfreund	7:00 PM
Kelvin Kwok	7:00 PM
Jeamie Reingold	7:00 PM
Sally Yan	7:00 PM

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

Regrets

Arun Prasad
Patrick Sampson

DISCLOSURE OF INTEREST

None

Minutes: March 23, 2022

THAT the minutes of Meeting No. 05 of the City of Markham Committee of Adjustment, held March 23, 2022, respectively, be

- a) Approved as submitted, on April 6, 2022

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

Carried

PREVIOUS BUSINESS

1. **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 8.40 metres, whereas the By-law requires a minimum front yard setback of 10.70 metres;
- b) **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;
- c) **By-law 101-90, Section 1.2 (iv):**
a building depth of 20.15 metres whereas, the By-law permits a maximum building depth of 16.80 metres;
- d) **By-law 2237, Section 3.7:**
a 20" west side yard second floor architectural roof overhang, whereas the By-law permits an 18" roof overhang encroachment into the required side yard;

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

The Secretary-Treasurer introduced the application.

The agent, Orest Stoyanovskyy, appeared on behalf of the application.

Committee member Tom Gutfreund is satisfied and supports the application.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No **A/190/21** be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/203/21

Owner Name: 1155758 Ontario Limited (Sam Sum)
Agent Name: Leeswood Construction (Nekisha Mohan)
50 Travail Road, Markham
PLAN 65M2757 LOT 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:**

43 parking spaces, whereas the By-law requires 60 parking spaces;

as it relates to a proposed addition to the rear of an existing industrial building. This application is related to a Site Plan Control application (SPC 21 128537) that is being reviewed concurrently. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Amal Gormley, appeared on behalf of the application.

Committee member Tom Gutfreund asked about the growing business and the potential to buy more land adjacent to the property.

The agent, Amal Gormley, stated she couldn't answer that on behalf of the renters of the land.

Committee member Sally Yan is happy to see a growing business in Markham and asked about the loading area.

The agent, Amal Gormley, stated that she was not aware of older expansions.

Committee member Sally Yan is satisfied with the application.

Committee member Kelvin Kwok inquired about the traffic demand management study and the comments regarding the minor variance.

Committee of Adjustment Minutes
Wednesday, April 6, 2022

The agent, Amal Gormley, stated that the current tenant is long-term and will be providing TDM measures such as bicycle racks, which will be added during the Site Plan approval.

Committee Chair Greg Knight asked about the parking being a potential issue for the future if the tenant changes.

Manager of Zoning & Special Projects, Brad Roberts, stated that industrial/commercial use regarding parking is currently under review through several By-laws. If there are changes to the use, there would be a consideration for the person moving in, but effectively, there would be a considerable turning radius, leading to necessary parking in the rear.

Moved By: Kelvin Kwok
Seconded By: Tom Gutfreund

THAT Application No **A/203/21** be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/003/22

Owner Name: Kiritharan Thavarajah
Agent Name: Venoth Engineering Ltd. (Visuvalingam Jeganmohan)
149 Worthing Avenue, Markham
PLAN 65M3379 LOT 14

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) single detached dwelling unit on one (1) lot;
- as it relates to proposed secondary suite (basement apartment). **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent, Visuvalingam Jeganmohan, appeared on behalf of the application.

Committee member Tom Gutfreund moved the application for approval.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No **A/003/22** be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/006/22

Owner Name: Gary M. Hatanaka
Agent Name: SDG Design (Stefano Di Giulio)
56 Delhi Crescent, Markham
PLAN M1971 LOT 42

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

- a) **By-law 134-79, Section 7.2 (c):**
a maximum lot coverage of 36.53 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

as it relates to proposed roof canopies. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent, Stefano Di Giulio, appeared on behalf of the application.

Committee member Jeamie Reingold would support this application.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No **A/006/22** be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/009/22**

Owner Name: Nicola Canto
Agent Name: Smart Structural Solutions Ltd. (Mobina Farahani)
330 Highglen Avenue, Markham
PLAN 65M3045 LOT 54

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

- a) **Zoning By-law 90-81, Section 4.6 (a):**
a roofed porch with unenclosed sides (canopy) to project a distance of not more than 3.27 m, whereas the By-law permits a maximum of 0.45 m;
- as it relates to a proposed porch to an existing detached dwelling. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Daniel Virgili, appeared on behalf of the application.

Committee member Jeamie Reingold thinks this is a great way to expand the seasonal use of their yard. She would move this application to approval.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No **A/009/22** be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/010/22**

Owner Name: Xi Chen
Agent Name: KCCL Architect Inc (Kelvin Lo)
25 Melchior Crescent, Markham
PLAN 65M2459 LOT 26

The applicant is requesting relief from the requirements of By-law 118-79, as amended to permit:

- a) **Section 6.1 & 7.1.1:**
an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;
- as it relates to a proposed secondary dwelling (basement apartment). **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

The owner, Stella Xu, appeared on behalf of the application.

Kinsey Lam and Brian So of 23 Melchior Crescent stated that they never provided support for the basement. They are worried about the number of people living in the dwelling and had security concerns.

Gary Wong of 11 John Button Boulevard stated that he believes the dwelling is currently a rooming house.

Ming Lee of 26 Melchior Crescent supports what all of the neighbours had said, and they do not support the application.

The owner, Stella Xu, believes she is a good neighbour; she has lived in the dwelling since 2011. However, she has never rented out the basement before 2020. She also provided background on the current occupants of the dwelling. She does not believe everything that the neighbours say is true. Nevertheless, she is willing to work with the neighbours.

Committee member Tom Gutfreund asked who was living in the current dwelling.

The owner, Stella Xu, stated that someone was living in the basement and another in one of the main dwelling buildings.

Committee member Tom Gutfreund clarified that she is allowed to live in the dwelling, and she is only permitted to have one additional dwelling in the basement. Therefore, Tom would move to support the application.

Committee member Jeamie Reingold had difficulty accepting the letters and testimony brought forward in regard to the proposed secondary unit. After looking at google maps, she wanted to know why so many cars were in the driveway.

Committee member Sally Yan agrees with Jeamie; she believes there is a history of issues. However, Sally wanted clarification regarding the concerns brought forward by the neighbours. Sally also wanted to know more about the By-law violation that was closed by the City.

The owner, Stella Xu, stated that parking was an issue.

Manager of Zoning & Special Projects, Brad Roberts, stated that staff reached out to the By-law department and had no issues. However, Fire did investigate and this led to the applicant applying for a Minor Variance. Fire will monitor the current situation and ensure it meets the Building and Fire Code. The City of Markham does not permit rooming houses.

Committee Chair Greg Knight clarified that this was for approval of a secondary suite and that it was not for any other case. Therefore, the committee can only comment on this application and appreciates the concerns.

Committee member Tom Gutfreund will support the application, but the committee's approval includes other factors. Tom wants the minutes to state that this needs to meet the Building Code and be satisfied with the Fire department.

Committee member Kelvin Kwok highlighted that the architect has inputted fire separation and wants to clarify that it is one additional unit and should not be reverted to the past.

Moved By: Tom Gutfreund
Seconded By: Sally Yan
Opposed by: Jeamie Reingold

THAT Application No **A/010/22** be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/011/22

Owner Name: Re/Max Ace (Vijendran Selvanayagam)
Agent Name: Design and Building Permit Services (Muhammad Afzal)
23 Appleview Road, Markham
PLAN 65M3697 LOT 90

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

- a) **Zoning By-law 177-96, Section 6.5:**
an accessory basement dwelling unit, whereas the By-law permits no more than one single detached dwelling/dwelling unit on a lot, unless otherwise specified;

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

The Secretary-Treasurer introduced the application.

The agent, Muhammad Afzal, appeared on behalf of the application.

Committee member Jeamie Reingold supports the application.

Committee member Tom Gutfreund agrees with Jeamie and would support the application.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No **A/011/22** be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/012/22**

Owner Name: Paolo Consoli
Agent Name: David Johnston Architect Ltd. (David Johnston)
3 Billy Joel Crescent, Markham
PLAN 5879 PT LOT 2

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

- a) **By-law 99-90, Section 1.2 (ii):**
a maximum depth of 21.0 meters, whereas the By-law permits a maximum depth of 16.8 meters;
- b) **By-law 99-90, Section 1.2 (i):**
a maximum height of 10.71 meters, whereas the By-law permits a maximum height of 9.80 meters;

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

The Secretary-Treasurer introduced the application.

The agent, David Johnston, appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Drive asked about the changes regarding the site plan and if it was regarding the maple tree.

Committee member Tom Gutfreund believes the application meets the four tests and supports the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No **A/012/22** be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/013/22

Owner Name: Subramanian Kuppusamy
Agent Name: Varatha Design Associates (Ken Varatha)
96 Holst Avenue, Markham
PLAN 65M4325 LOT 306

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

- a) **By-law 28-97, Section 3.0:**
two (2) parking spaces, whereas the By-law requires three (3) parking spaces for a detached dwelling with one (1) accessory dwelling;
- b) **By-law 177-96, Section 6.5:**
one (1) accessory dwelling unit (basement apartment), whereas the By-law permits no more than one dwelling unit on a lot;

as it relates to a proposed secondary suite (basement apartment). **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent, Ken Varatha, appeared on behalf of the application.

Committee of Adjustment Minutes
Wednesday, April 6, 2022

Wenjun Jiang of 95 Holst Avenue was worried about the change of the By-law, and she did not want the applicant to build another kitchen.

Ivan Louie of 81 Holst Avenue accepted that the province permits secondary suites. However, he was worried about the amount of green space left after the approval of this secondary suite.

Committee Chair Greg Knight wanted to clarify if they were paving over the grass.

The agent, Ken Varatha, stated that one would park in the garage and the other on the driveway.

Committee Chair Greg Knight stated they are trying to seek a variance so that they would not need 3 parking spots.

Jian Xiao of 90 Holst Avenue asked how they would clean the snow in the winter.

Committee Chair Greg Knight stated that the owner couldn't park overnight if they approved the application. A By-law enforcement officer is in charge of on-street parking control.

Committee member Tom Gutfreund asked the agent to clarify that the owner only has two parking spaces. If the parents were to move out, it would be in the owner's interest to rent it to someone who does not drive a car. He supports the application.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No **A/013/22** be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/021/22

Owner Name: Linda Woolsey
Agent Name: Gregory Design Group (Shane Gregory)
12 Rougecrest Drive, Markham
PLAN 4427 LOT 6

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

- a) **Amending By-law 99-90, Section 1.2(iii):**
a maximum depth of 21.89 metres, whereas the By-law permits a maximum depth of 16.80 metres;

as it relates to proposed covered porches at the front and rear of a single family detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

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

Committee member Jeamie Reingold supports the application.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

THAT Application No **A/021/22** be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Kelvin Kwok

THAT the virtual meeting of the Committee of Adjustment be adjourned at 8:42 pm, and the next regular meeting will be held on April 20, 2022.

CARRIED



Acting Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment