



CITY OF MARKHAM
101 Town Centre Boulevard
Markham, Ontario
Council Chambers

September 11, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 16th regular meeting of the Committee of Adjustment for the year 2019 was held at the time and place above with the following people present:

	<u>Arrival Time</u>
Jeamie Reingold	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Gregory Knight, Chair	7:30PM
Kelvin Kwok	7:30PM

Regrets

Tom Gutfreund
Patrick Sampson

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Melissa Leung, Committee of Adjustment Technician

Minutes: August 28, 2019

THAT the minutes of Meeting No. 15 of the City of Markham Committee of Adjustment, held August 28, 2019, be

- a) Approved as submitted, on September 11, 2019

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

Carried

DISCLOSURE OF INTEREST –

None

NEW BUSINESS:

1 A/30/19

**Owner Name: Ainkaran Manoranjitham
Agent Name: Varatha Design Associates (Ken Varatha)
122 Chloe Cres, Markham
PLAN 65M2525 PT LOT 34 RS65R11113 PARTS 13 & 14**

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

- a) **Section 5.2.1:**
a secondary dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot;
- b) **Section 4.6(a):**
a maximum projection of 0.70 m into the side yard, whereas the By-law permits an uncovered platform or step to project a distance of not more than 0.45 m into any required yard;

as it relates to an existing basement apartment and walkout. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Ken Varatha appeared on behalf of the application. For their proposed basement apartment, they will also construct walkout stairs.

The Secretary-Treasurer responded that the potential conditions sent to applicant just in case the application were approved.

Mr. Varatha indicated he could address the drainage issue on site and deferral may not be necessary.

Committee member Jeamie Reingold stated she is concerned if they approved at this stage there could be engineering related issues that are not properly addressed.

**Moved By: Jeamie Reingold
Seconded By: Arun Prasad**

THAT Application No. A/32/19 be deferred sine die.

Resolution Carried

2. A/81/19

Owner Name: 2574023 Ontario Inc.
Agent Name: Lorne Rose Architect Inc. (Lorne Rose)
2574023 Ontario Inc.
3 Sunflower Crt, Thornhill
PLAN M899 LOT 37

The applicant is requesting relief from the requirements of By-law 1767 as amended to permit:

a) Section 14 (i)(c):

a minimum front yard setback of 27 feet 9 inches, whereas the By-law requires a minimum front yard setback of 35 feet;

b) Section 14 (i)(e):

a minimum rear yard setback of 31 feet 2.5 inches, whereas the By-law requires a minimum rear yard setback of 50 feet;

c) Amending By-law 100-90, Section 1.2(i):

a maximum building height of 11.52 metres, whereas the By-law permits a maximum building height of 9.8 metres;

d) Section 9(i):

a maximum front porch canopy encroachment of 31 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required front yard;

as it relates to a proposed residential dwelling. This application is related to a previously approved minor variance application (A/74/18), in which the variances have subsequently been revised. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Lorne Rose appeared on behalf of the application. He cites 3 Rosea Court which had previously gone to Committee. Due to site characteristics, the front and rear yard setbacks is required. They are willing to reduce some of the variance request and to do further tree plantings on the property.

Steve Reznick 17 Daffodil Avenue spoke in opposition to the application. There is limited curb appeal. Reduction in property values is another concern. He does not want Laureleaf Road type houses to appear on this street as well.

Greg Tolsoy of 22 Daffodil Avenue spoke in opposition to the application. It appears the ground floor area indicated in the staff report was not indicated correctly.

54 Laureleaf Road resident spoke in opposition to the application. Privacy is being reduced. Sale of home could be an issue.

Mr. Rose responded lot value is not an issue at hand. Laureleaf Road being referenced by the residents does not appear relevant to the issue at hand.

Committee member Jeamie Reingold does not believe the tests for a minor variance are being met. She also inquired with previous building height if it was for entirety of house.

Mr. Rose said he wasn't architect at that time so doesn't know the details.

Committee member Sally Yan stated she did a site visit. It appears quite a substantial proposal.

Committee member Kelvin Kwok concurs with staff report that front and rear yard setback is not minor.

Manager Brad Roberts indicated that the notification is being done double what is required by the Planning Act.

Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok

THAT Application No. A/81/19 be deferred sine die.

Resolution Carried

3. A/82/19

Owner Name: Yuan Tian
Agent Name: TAES Architects Inc. (Shenshu Zhang)
6 Tollesbury Pl, Markham
PLAN M1962 LOT 29

The applicant is requesting relief from the requirements of By-law 11-72 as amended to permit:

- a) **Amending By-law 325-79, Section 3 (d):**
a minimum side yard of 3.5 m (11.48 ft) at the north side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);
- b) **Parking By-law 28-97, Section 6.2.4.4 a) i) & 6.2.4.6:**

driveway access to attached garage that faces an interior side lot line to have a minimum setback of 2.0 m (6.56 ft) from the interior side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);

as it relates to a proposed two-storey residential dwelling. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application.

Edward McDermott of 18 Country Estates Drive spoke in opposition to the application. In the past, development was not permitted north of 16th Avenue. He does not believe the garage related variance is minor. This neighbourhood was showcased by the City in the past.

Mr. Zhang responded that due to the irregular shape of the lot they require the variance requests.

Committee member Jeamie Reingold indicated concerns with this application. Compatibility is an issue with this proposal. The side yard setback is not appropriate.

Committee member Arun Prasad concurred with member Reingold.

Mr. Zhang stated that they are exploring green design options to address potential drainage issues. The front yard setbacks have been retained to make it more complimentary to other houses in the neighbourhood.

Committee member Sally Yan stated that she supports in fill development in principle. This subject property has a large lot which could support such development. She also asked if proposal was subsequently changed with discussion with planning staff.

Mr. Zhang responded side yard and garage width were reduced. There would be no parking on the driveway.

Moved By: Sally Yan
Seconded By: none

THAT Application No. A/82/19 be approved subject to conditions contained in the staff report.

Resolution Failed to Carry

Committee member Jeamie Reingold asked if applicant could defer to look at reduced setbacks.

Mr. Zhang stated it could be possible. However, additional discussion with Toronto and Region Conservation Authority (TRCA) may have to occur again.

Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok

Sally Yan opposed

THAT Application No. A/82/19 be deferred sine die.

Resolution Carried.

4. A/83/19

Owner Name: Dyal Mahadeo and Dhanragie Sandra Persaud
Agent Name: Dhanragie Sandra Persaud
123 Smoothwater Terr, Markham
PLAN 65M4008 LOT 277

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

- a) **Deck By-law 142-95, Section 2.2 (b) (i):**
a maximum deck projection of 5.69 m (18.7 ft), whereas the By-law permits a maximum projection of 3.0 m (9.84 ft);

as it relates to a deck that was built without a permit. This application is related to a previously approved minor variance application (A/96/17), in which the variance has subsequently been revised. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The applicant Sandra Persaud appeared on behalf of the application. There had been issues with the contractor resulting in a permit not having been obtained.

Committee member asked if the building permit issue was due to a complaint.

Ms. Persaud responded that it was not and that neighbours support the proposal.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No. A/83/19 be approved subject to conditions contained in the staff report.


Resolution Carried

MOTION TO ADJOURN

Moved by Jeamie Reingold
Seconded by Sally Yan

THAT the meeting of Committee of Adjustment be adjourned at 8:43 p.m., and the next regular meeting will be held on September 25, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair