



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

April 10, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 6th 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>
Philip Gunn, Chair	7:30PM
Jeannie Reingold	7:30PM
Tom Gutfreund	7:30PM
Arun Prasad	7:30PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects

Regrets
Gary Muller
Greg Knight

Minutes: March 27, 2019

THAT the minutes of Meeting No. 5 of the City of Markham Committee of Adjustment, held March 27, 2019, be

a) Approved as submitted, on April 10, 2019

Moved By: Tom Gutfreund
Seconded By: Jeannie Reingold

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/06/18

Owner Name: Trina and Dimitrios Kollis
Agent Name: ST Engineering (Stavros Theodorakopoulos)
15 Wales Ave, Markham
PLAN 1318 LOT 21

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 (iii):**
a maximum building depth of 18.59 m (61 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);
- b) Table 11.1:**
a minimum two-storey side yard setback (south) of 1.22 m (4 ft), whereas the By-law requires a minimum two-storey side yard setback of 1.83 m (6 ft);
- c) Infill By-law 99-90, Section 1.2 (vi):**
a maximum Floor Area Ratio of 55.4 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The applicant Dimitrios Kollis appeared before the Committee. Mr. Kollis indicated the redesign of his house is due to an injury he previously sustained. They did approach 11 residents and received letters of support from them.

The Chair asked if there is any accessible toilets in the house.

Mr. Kollis responded only for the master bedroom.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She does not believe this is a minor or desirable request. It appears quite significant massing on side of property. It does not appear to meet accessibility standards.

David Johnston was representing his daughter's property of 11 Wales Avenue spoke in opposition to the application. This appears to be too large a property.

Committee member Tom Gutfreund asked about the interior layout. He also raised concerns about the massing. Also he raised that the lot is quite large and wondering why setback requests was being made.

Committee member Jeamie Reingold raised concerns about the massing and that heritage characteristics could be considered for this proposal due to close proximity to the heritage district.

The Chair indicated he did not believe the four tests for a minor variance was met. He asked if deferral could be requested by applicant.

Mr. Kollis responded that he may be approachable to this.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

THAT Application No. A/06/18 be deferred sine die.

Resolution Carried

2. A/169/18

Owner Name: Liu Jiayi

Agent Name: Gregory Design Group (Russ Gregory)

3 Jonquil Cres, Markham

PLAN 4949 LOT 166

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 maximum Net Floor Area Ratio of 49.15 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

b) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 18.40 m, whereas the By-law permits a maximum building depth of 16.8 m;

c) Infill By-law 99-90, Section 1.2 (i):

a maximum building height of 9.85 m, whereas the By-law permits a maximum building height of 9.8 m;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared before the Committee. He indicated some changes have been made to the proposal.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown showed some other houses in the area built without need for variances.

Committee member Jeamie Reingold indicated she supports the revised application.

Committee member Tom Gutfreund also stated he supports the application. He inquired if driveway could be permeable type.

Mr. Gregory responded a condition could be added to address this.

Moved By: Tom Gutfreund

Seconded By: Jeamie Rreingold

THAT Application No. A/169/18 be approved subject to conditions contained in the staff report and additional condition for a permeable driveway be installed.

Resolution Carried

3. A/02/19

Owner Name: Leora Blum and Bill Kokotsis

Agent Name: Gregory Forfar

38 Galsworthy Dr, Markham

PLAN 4949 LOT 65

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

a) By-law 1229; Table 11.1:

minimum front yard setback of 23.45 feet (7.15m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

b) Amending By-law 99-90, Section 1.2 (i):

a maximum building height of 10.57 m, whereas the By-law permits a maximum building height 9.8 m;

as they relate to a proposed residential dwelling that is under construction. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Gregory Forfar appeared before the Committee. Mr. Forfar indicated they now have confirmed the variances they needed with Building Department. The staff report indicates support for this application. The Zoning Preliminary Review (ZPR) did take some time to complete due to shifts in staffing. While as built or constructed, agent now looking to legalize the structure.

Rod Surajar of 36 Galsworthy Drive stated support of the application. There has been numerous issues with the property but hope they can be addressed now.

The owner Leora Blum appeared on behalf of the application. Ms Blum indicated they had issues with a previous builder. This builder made changes to the proposal without consent of the owner.

Committee member Tom Gutfreund asked if at initially stage issues with foundation made what could have happened. He went on to comment that this issue is not the fault of the owner.

Mr. Forfar responded that they could have responded more readily at earlier stage to fix the foundation.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/02/19 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/22/19

Owner Name: Emilian and Usha Masilamany
Agent Name: Emilian Masilamany
12 Sir Constantine Dr, Markham
PLAN M1392 LOT 147

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 maximum Floor Area Ratio (FAR) of 49.31 percent, whereas the By-law permits a maximum FAR of 45 percent;

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

The Secretary-Treasurer introduced the application.

The applicant Emilian Masilamany appeared before the application. This proposal is to allow a multi-generational family to reside here. There is no open to below space here. They also consulted with the ratepayer group and local councillor to get feedback on their proposal.

Laura Galati of Markham Sherwood Forest Resident Association and of 13 Sir Constantine Drive spoke in opposition to the application. Ms. Galati believes the application should be built in accordance with the Zoning By-laws.

Isabelle Costa of Sir Bodwin Place spoke in opposition to the application. Ms. Costa indicated there appears to be a proposal too massive for this area.

Resident 10 Sir Constantine Drive spoke in opposition to the application. She indicated she prefers it be constructed according to the Zoning By-laws.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. There has been other proposals in area where lower net floor area was accomplished. Attempts could be made to reduce impact of visual massing.

Committee member Tom Gutfreund commented that he understands the changes that have been made to the proposal. He asked if Zoning Preliminary Review (ZPR) had been done.

Mr. Masilamany responded ZPR was submitted on Monday.

Committee member Tom Gufreund responded that may be premature to decide on this application until ZPR is completed.

Committee member Arun Prasad indicated proposal appears well thought out.

Committee member Jeamie Reingold indicated that proposal is good but could have made minor changes to it which would be more in keeping with neighbourhood.

The Chair asked if floor area request could possibly be reduced and also to see outcome of the ZPR.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No. A/22/19 be deferred sine die

Resolution Carried

2. A/23/19

**Owner Name: 2434938 Ontario Inc. (Alex Christopoulos)
Agent Name: Hallmark Design Build (David Generali)
2434938 Ontario Inc.
7495 Birchmount Rd, Markham
CON 5 PT LOTS 4 & 5 RS65R12393 PARTS 1 & 4**

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

a) Section 6.1(d)(iii):

a minimum rear yard setback of 6.0 m, whereas the By-law requires a minimum rear yard setback of 12 m;

as it relates to a proposed addition to an existing warehouse. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent David Generali appeared before the Committee. This addition is for a photography company named Icon. Garbage compacter will be in internal part of the building. Fencing will be placed around the proposed addition.

Moved By: Tom Gutfreund

Seconded By: Jeannie Reingold

THAT Application No. A/23/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/24/19

**Owner Name: Gary S. Weiss
4 Sunflower Crt, Thornhill
PLAN M899 LOT 39**

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

a) Section 2(vi) & Section 12(viii)(a):

a 2nd dwelling unit/basement apartment, whereas the By-law permits no more than one single detached dwelling on each registered lot;

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

a maximum building height of 9.31 metres, whereas the By-law permits a maximum building height of 8.0 metres for a flat roof;

c) Section 14(i)(e):

a minimum rear yard setback of 43 feet 3 inches, whereas the By-law requires a minimum rear yard setback of 50 feet;

d) Section 12(iv)(a):

a minimum front yard setback of 29 feet (8.84 metres), whereas the By-law requires that the front yard of a dwelling be erected between two existing building shall comply with the corresponding yards of the two existing buildings 39.2 feet (11.94 metres);

e) Amending By-law 100-90, Section 1.2(iii):

a maximum building depth of 18.69 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

f) Section 9(i):

a maximum unenclosed/unexcavated roofed porch encroachment of 197 inches (16.37 feet), whereas the By-law permits a maximum encroachment of 18 inches (1.5 feet) into the required front yard;

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

The Secretary-Treasurer introduced the application.

The applicant Gary Weiss appeared before the Committee.

Committee member Tom Gutfreund mentioned that there were resident concerns and that 7 variances were being requested that the applicant may possibly look to address some of these concerns prior to bringing back the application.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

THAT Application No. A/24/19 be deferred sine die.

Resolution Carried

4. A/25/19

Owner Name: Howard and Herfa Shaw

Agent Name: DA Design Inc. (Dragan Acimovic)

62 Summerlea St, Markham

PLAN 65R20996 PT LOT 78

The applicant is requesting relief from the requirements of By-law 90-81, 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;

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

The Secretary-Treasurer introduced the application.

The agent Dragan Acimovic appeared before the Committee.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/25/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/26/19

Owner Name: ANAE SOBHANI
Agent Name: EZed architects (Elmira Zarrabi)
24 Almond Ave, Thornhill
PLAN M835 LOT 162

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 9.29 metres, whereas the By-law permits a maximum building height of 8.6 metres;

b) Amending By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 52.3 percent (3,266 sq. ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,125 sq. ft.);

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

The Secretary-Treasurer introduced the application.

The agent Elmira Zarrabi appeared before the Committee. The design was done to try and minimize existing grades on the property. She also indicated examples of other variances for the area which were approved.

Bruce Stumper of 21 Almond Avenue spoke in opposition to the application. Mr. Stumper stated that his neighbour of 23 Almond Avenue made some comments in a

letter that had been submitted to the Committee. Several other properties in area were changed without need to alter Zoning By-law. It appears the owner will not be residing in the neighbourhood.

Maria Tulbart of 21 Almond Avenue spoke in opposition to the application. She read out a letter from a neighbour which questioned height of interior.

Marilyn Ginesburg of 20 Almond Avenue spoke in opposition to the application. The variances which the agent cited were not done in immediate neighbourhood. She indicated the owner does not appear to be keeping the property and appeared to provide neighbours misleading information to the public. The staff report did not appear to look at other roof designs.

Frank Maralmi of 36 Almond Avenue spoke in opposition to the application. Mr. Maralmi had concerns about why can't be built according to Zoning By-laws.

Tred Gaher of 30 Almond Avenue spoke in opposition to the application. Mr. Gaher stated possible drainage issue.

Trend Grahnd of Grandview Residents Association spoke in opposition to the application. Mr. Grahnd stated this by-law for this area is quite generous. He showed houses closer to Yonge Street which should not be designs which are repeated for this area.

Salvi Soltani spoke in support of the application. Re-development of homes is occurring across the Greater Toronto Area. New build may not need to necessarily be similar to other houses in immediate area.

Ms. Zarrabi stated there is an open to below space.

Committee member Jeamie Reingold indicated houses in this area are not protected in by Ontario Heritage Act. Redevelopment would and need to occur. She does not support the proposal as is.

Committee member Tom Gutfreund commented this proposal is not compatible with the area. He indicated building height could be revised.

Committee member Arun Prasad stated that design is subjective in nature. However, floor area ratio could be reduced. He indicated could be revised and brought back to the Committee.

The Chair opined that it appears of a flat roof design. The character of neighbourhood is not appearing to be kept with this proposal.

Ms Zarrabi commented that they obtain some letters of support.

Moved By: Tom Gutfreund

Seconded By: Arun Prasad

THAT Application No. A/26/19 be sine die

Resolution Carried

New Business

-Gary Muller at the previous meeting had indicated that with the April 10 COA meeting, he will no longer be attending COA meetings moving forward.

-The Secretary-treasurer indicated that 57 Hawkridge Avenue minor variance (file NO A.71.18) has been appealed to the Local Planning Appeal Tribunal (TLAB).

MOTION TO ADJOURN

Moved by Tom Gutfreund

Seconded by Jeamie Reingold

THAT the meeting of Committee of Adjustment be adjourned at 9:54 p.m., and the next regular meeting will be held on April 24, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair