



CITY OF MARKHAM
Virtual meeting on zoom

July 21, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 13th regular meeting of the Committee of Adjustment for the year 2021 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Jeannie Reingold	7:00PM
Tom Gutfreund	7:00PM
Gregory Knight, Chair	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:30PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Aleks Todorovski, Planner I-Zoning and Special Projects

Regrets
Patrick Sampson

DISCLOSURE OF INTEREST

Minutes: July 7, 2021

THAT the minutes of Meeting No. 12 of the City of Markham Committee of Adjustment, held July 7, 2021 respectively, be

- a) Approved as submitted, on July 21, 2021

Moved By: Arun Prasad
Seconded By: Sally Yan

PREVIOUS BUSINESS:

1. A/019/21

Owner Name: Jeyanthi Sempotsothi and Sutharsan Kathiresampillai
Agent Name: VIYA SISTERS INC. (Mayu Balasubramaniam)
5 Jonquil Cres, Markham
PLAN 4949 LOT 165

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 (i):**
a maximum height of 10.20 metres, whereas the By-law permits a maximum of 9.8 metres;
- b) Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 48.93 percent, whereas the By-law permits a maximum of 45 percent;

as it relates to a proposed detached dwelling with a basement apartment.
(East District, Ward 4)

The Secretary-Treasurer introduced the application.

The agent Luxshuman Sutharsan appeared on behalf of the application. He indicated that changes to the proposal were made since the last COA meeting.

Committee member Arun Prasad asked how the variance related to building depth was removed now.

Mr. Sutharsan responded that the floor plan had been revised and open to below was eliminated. The bedroom proposed has also been relocated on the second floor away from the garage. The overall depth has now been shrunk as a result.

Committee member Jeamie Reingold stated that the changes to the proposal are positive. She asked if an additional application for a secondary suite (basement apartment) will be submitted.

Mr. Sutharsan indicated their original secondary suite area will now be used as recreation type room.

Committee member Sally Yan indicated that concerns of the Committee have now been addressed with this revised proposal. She then asked about the balcony.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No A/019/21 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/050/21

Owner Name: Teny Yahya
Agent Name: F & A Associate Ltd. (Ali Shakeri)
4 Marie Crt, Thornhill
PLAN 8262 LOT 2

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):**
maximum flat roof building height of 8.67 m, whereas the By-law permits a building height of 8.0 m;
- b) Section 6.1:**
minimum front yard setback of 20 ft, whereas the By-law requires a setback of 27 ft;
- c) Parking By-law 28-97, Section 6.2.4.5 (a)(I):**
second 3.7 m wide driveway with a main building setback of 6.1 m from the streetline, whereas the By-law requires main building to be setback minimum of 8.0 m from the streetline;
- d) Amending By-law 101-90, Section 1.2 (vii):**
maximum floor area ratio of (52.3percent) 4093 sq ft, whereas the By-law permits a maximum floor area ratio of (50percent) 3907 sq ft;

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

The Secretary-Treasurer introduced the application.

The agent Ali Shakeri appeared on behalf of the application. The front yard setback is due to the irregular shape of the lot. The trees proposed to be removed are of poor condition. With regard to the crescent shaped driveway, he stated that this condition occurs already with another house on this street.

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Alison Chong of 2 Marie Court spoke on the application. She recognizes the presentation of the applicant. She does not believe the variances should be permitted.

Olana Alcock of 7 Marie Court spoke in opposition to the application. She is concerned about flooding issues in this area.

Liu Liu of 27 John St spoke in opposition to the application. He was surprised that this proposal was being brought forward.

Evelin Ellison of 48 Julia St spoke in opposition to the application. She is concerned about the floor area ratio (FAR) variance as it is significantly larger than the FAR of other existing houses on the street. She is not sure why Toronto and Region Conservation Authority (TRCA) did not raise concerns with the application.

Valerie Burke of 26 Colborne St spoke in opposition to the application. She is concerned about allowing this proposal and if other additional similar type proposals will thus result. She indicated that we must build in a sustainable manner. She also raised potential bird friendly issues here.

Denis Sacks of 16 Marie Court spoke in opposition to the application. His assessment is that the overall proposal does not meet the four tests for minor variance, as per the Planning Act.

Barry Nelson of Society for the Preservation of Historic Thornhill appeared on behalf of the application. He is concerned the overall heritage aesthetics of this area will be negatively impacted. The half crescent driveway is concerning and does not appear to be necessary for this house.

Frank Bellini of 25 John St appeared on behalf of the application. He is concerned about privacy issues here.

Scott Mackenzie of 2 Marie Court appeared on behalf of the application.

The owners of the property spoke on the application. They indicate they are new property-owners with an office near their home.

Committee Jeamie Reingold commented that she believes the adjacent heritage district should factor and be considered in relation to this proposal.

The agent Ali Shakeri stated that they would be using permeable pavers for this site.

Committee member Tom Gutfreund is concerned about the half crescent or circular driveway proposed. He also commented that bird issues cannot be assessed by the Committee.

Committee member Sally Yan commented that she is okay with the building height variance. However, she also does not believe the 2nd or circular driveway is necessary. She is also concerned with the development proposed in the rear of property, such as the infinity pool. She asked about the flood plain issue raised.

Mr. Shakeri responded that the property is outside of the floodplain. TRCA reviewed the applicant and had no concerns.

Committee member indicated support of variances A, B and D but to remove variance C.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

Tom Gutfreund, Sally Yan and Arun Prasad support

Jeannie Reingold opposed

Kelvin Kwok abstained

THAT Application No A/050/21, A B and D, but C removed, be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/042/21

Owner Name: Rui Yan Situ

Agent Name: Rui Yan Situ

8 Middleton Crt, Markham

PLAN M1797 LOT 234

The applicant is requesting relief from the requirements of By-law 250-77 as amended to permit:

a) Section 6.1:

to permit an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;

as it relates to an existing secondary suite (basement apartment) that was built without a permit. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The owner Rui Yan Situ stated they had no comments to provide for the application.

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Committee member Tom Gutfreund asked that it appears there are several bedrooms in this house.

Ms. Rui stated they have their mother living there and she is unable to climb stairs. They are only renting one room to one individual. They had been renting the basement unit but were not aware they needed to obtain permission from the City.

Committee member Sally Yan stated that there are municipal processes which will ensure a legal secondary suite is permitted here.

Committee member Kelvin Kwok asked about the parking on site.

Ms. Rui responded that there is sufficient parking on site for the tenant of the secondary suite.

Moved By: Sally Yan

Seconded By: Kelvin Kwok

Tom Gutfreund, Kelvin Kwok, Sally Yan and Arun Prasad support

Jeannie Reingold opposed

THAT Application No A/042/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/061/21

Owner Name: Ishaan Arora

Agent Name: Mark Corozza

44 Sir Bodwin Place, Markham

PLAN M1392 LOT 239

The applicant is requesting relief from the requirements of By-law 250-77 as amended to permit:

a) By-law 1229, Section 1.2 (vi):

a maximum floor area ratio of 50.40 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

b) By-law 1229, Section 1.2 (ii):

a maximum number of three storeys, whereas the By-law allows a maximum number of two storeys;

c) By-law 1229, as amended by By-law 28-97, Section 6.2.4.7:

a parking garage attached to the dwelling unit to have finished floor elevations lower than the elevation of the laneway where it meets the streetline (lot line), whereas the By-law requires that the finished floor elevation of the garage shall be higher than the elevation of the public street from which access to the parking garage is provided, measured at the mid-point of the private driveway where it meets the streetline;

d) By-law 122, Section 11.2 (c)(I):

eaves to encroach a maximum of 24" into a required yard, whereas the By-law permits eaves to project a maximum of 18" into any required yard;

as it relates to proposed addition to existing bungalow, 2 storey extension at rear of property and widening current single car garage to a double car garage. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Mark Corozza appeared on behalf of the application. The net floor area (NFA) has been reduced, after discussions with City staff. The proposal is for a family which intends to have additional family members in the near future. They are also proposing to change the driveway configuration.

Micheline Reid of 42 Sir Bodwin Place indicated support of the application.

Committee member Jeamie Reingold stated she supports the application.

Committee member Tom Gutfreund also commented that the application is acceptable.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No A/061/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/066/21

Owner Name: Reza Sekaavati
Agent Name: Reza Sekaavati
219 Bayview Fairways Dr, Thornhill
PLAN M1335 LOT 314

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

- a) By-law 1767, Sec. 1.2(vi):**
allow maximum floor area ratio of 54percent, whereas the by-law permits 50percent,
- as it relates to proposed addition to 2 storey detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The owner appeared on behalf of the application.

Committee member Tom Gutfreund believes this is a minor proposal.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/066/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/070/21

Owner Name: Muhammad Rehman
Agent Name: NOBLE PRIME SOLUTIONS LTD (JIVTESH BHAILA)
68 Norbury Dr, Markham
PLAN 65M2999 LOT 81

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

a) By-law 90-81, Sec. 5.2.1:

permit second dwelling unit, whereas by-law permits no more than 1 single detached dwelling on one (1) lot

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

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No A/070/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/081/21

Owner Name: Shailesh Patel

Agent Name: YEJ Studio and Consulting Inc (Amr Robah)

35 Houser St, Markham

PLAN 65M3519 LOT 171

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

a) By-law 177-96, Sec. 5, Table B2:

a rear yard setback of 3.84 m, whereas the by-law requires minimum rear yard setback of 7.0 m;

as it relates to proposed sunroom in rear of property **(East District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Amr Robah appeared on behalf of the application.

Kevin Chong of 36 Ayhart Street supports the application.

Mohamad Hussain of 41 Houser Street supports the application.

Committee member Arun Prasad stated he supports the application.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No A/081/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/083/21

Owner Name: Somasuntharam Ganeshanathan
Agent Name: Varatha Design Associates (Ken Varatha)
27 Beckett Ave, Markham
PLAN 65M4429 PT LOT 6 RP 65R36023 PT 3

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

- a) By-law 90-81, Sec. 6.5:**
one accessory dwelling unit in the basement, whereas the by-law permits no more than one dwelling unit on a lot;
- b) By-law 28-97, Table A:**
a minimum of two parking spaces, whereas the by-law requires a minimum of three parking spaces for a semi-detached dwelling with an accessory dwelling unit;

as it relates to 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 member Tom Gutfreund asked how the secondary suite will be accessed.

Mr. Varatha responded that it is a sliding door in the rear of property.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/083/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/085/21

**Owner Name: 6640028 Canada Inc. c/o BentallGreenOak (Canada) Ltd.
Partnership (Terry Flynn)
Agent Name: Malone Given Parsons Ltd (Elyse Holwell)
100 Gough Rd, Markham
PLAN M1915 PT BLK 17 RP 65R24929 PART 1**

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

a) Section 4.8.2(d):

to permit Accessory Industrial Equipment (generators / platform structures) to be located in a yard adjacent to a street (14th Avenue), whereas the By-Law only permits Accessory Industrial Equipment in yards not adjacent to a street except as provided in Section 4.8.2(e);

as it relates to proposed relocation of generators on the subject property.
(Central District, Ward 8)

The Secretary-Treasurer introduced the application.

The agent Lincoln Lo appeared on behalf of the application. He accepts staff recommendation to defer the application.

**Moved By: Tom Gutfreund
Seconded By: Arun Prasad**

THAT Application No A/085/21 be deferred sine die

Resolution Carried

9. A/087/21

**Owner Name: Panchalingam Paramanathan
Agent Name: Venoth Engineering Ltd. (Visuvalingam Jeganmohan)
150 Highglen Avenue, Markham
PL 65M2507 LT 5**

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

a) 90-81, Section 5.2.1:

a second dwelling unit, whereas the By-law allows no more than one detached dwelling unit on a lot;

as it relates to a 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 Arun Prasad asked how many vehicles can be parked on site.

Mr. Jeganmohan responded it is 4 vehicles, 2 in garage and 2 on driveway.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

THAT Application No A/087/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Additional business

-The Committee was informed that an appeal to Ontario Land Tribunal (OLT) for 201 Helen Avenue, minor variance file NO. A.081.21, did approved the variance requests.

Adjournment

Moved by Arun Prasad

Seconded by Jeamie Reingold

THAT the virtual meeting of Committee of Adjustment be adjourned 9:20 PM, and the next regular meeting will be held August 11, 2021.

Committee of Adjustment Minutes
Wednesday, July 21, 2021

CARRIED



Secretary-Treasurer,

Committee of Adjustment



Chair