



CITY OF MARKHAM
Virtual meeting on zoom

August 12, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 16th regular meeting of the Committee of Adjustment for the year 2020 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
Patrick Sampson	7:00PM
Gregory Knight, Chair	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Justin Mott, Development Technician
Melissa Leung, Development Technician

Regrets
Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: July 29, 2020

THAT the minutes of Meeting No. 15 of the City of Markham Committee of Adjustment, held July 29, respectively, be

- a) Approved as submitted, on August 12, 2020.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

PREVIOUS BUSINESS

1. A/017/20

Owner Name: Wooden Spire Estates Inc.
Agent Name: Trinistar Corporation (Tina Arruda)
6899 14th Avenue, Markham
PLAN 65M3853 BLK 409

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

a) Amending By-law 2004-151, Section 7.233.1:
to permit a Commercial School, whereas the By-law does not permit Commercial Schools;

as it relates to a proposed Commercial School within an existing commercial building.
(East District, Ward 7)

The Secretary-Treasurer introduced the application.

The agent Joseph Calderone appeared on behalf of the application. He indicates that the use is complimentary for this site. He also provided additional supporting material on the parking and traffic situation.

Committee member Tom Gutfreund asked about pickup and drop-off time for the students of this proposed use.

Mr. Calderone responded that he provided a site plan which indicates where the pickup and drop-off will occur. The prospective tenant indicated they will have policies in effect to address safety of children.

Committee member Patrick Sampson inquired about safety concerns. He indicated he did not believe the discussion was relevant.

Committee member Jamie Reingold stated child safety is to be considered.

Committee member Arun Prasad stated he would support the application.

Committee member Sally Yan asked if additional condition to provide signed parking spaces could be allocated.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No. A/017/20 be approved subject to conditions contained in the staff report and that the proposed commercial school be limited to 90 square metres in Gross Floor Area and that a minimum of two parking spots be designated as pickup and drop-off spaces for the use.

Resolution Carried

NEW BUSINESS:

1. B/002/20

Owner Name: Lareina Chan
Agent Name: Contempo Studio (Marin Zabzuni)
2 Hughson Drive, Markham
PLAN 4556 LOT 1

The owner (s) are requesting to:

- a) sever and convey a parcel of land with an approximate lot frontage of 18.14 m (59.51 ft) and approximate lot area of 776.20 sq. m (8,354.95 sq.ft) (Part 2);
- b) retain a parcel of land with approximate lot frontage of 18.66 m (61.22 ft) and approximate lot area of 695.40 sq. m (7,485.22 sq.ft) (Part 1).

The purpose of this application is to create a new residential lot. This application is related to Minor Variance applications A/028/20 and A/029/20. **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Marin Zabzuni appeared on behalf of the application. He contends the lot configurations are compatible with the area.

With regards to the minor variances, Mr. Zabzuni believes they will not detract from the existing neighbourhood characteristics.

Committee member Tom Gutfreund believes the proposal is appropriate and supports it.

Committee member Jeamie Reingold believes the existing neighbourhood lot fabric can support this proposal.

Committee member Arun Prasad inquired of shaded area shown on the drawings.

Mr. Zabzuni responded it is just showing grading on site. No underground construction will be conducted.

Moved By: Arun Prasad

Seconded By: Patrick Sampson

THAT Application No. B/002/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/028/20

Owner Name: Lareina Chan

Agent Name: Contempo Studio (Marin Zabzuni)

2 Hughson Drive, Markham

PLAN 4556 LOT 1

The applicant is requesting relief from the requirements of By-law 221-81 as amended to permit:

a) Amending By-law 2012-13, Section 7.2.2 (i) - Minimum Front Yard Setback:

a minimum front yard setback of 5.50 metres (cold cellar), whereas the By-law requires a minimum front yard setback of 9.0 metres;

b) Amending By-law 2012-13, Section 7.2.2 (ii) - Minimum Interior Side Yard:

a minimum interior side yard of 1.34 metres, whereas the By-law requires a minimum interior side yard of 1.8 metres;

c) Amending By-law 2012-13, Section 7.2.2 (iii) - Minimum Exterior Side Yard:

a minimum exterior side yard of 1.85 metres, whereas the By-law requires a minimum exterior side yard of 2.0 metres;

d) Amending By-law 2012-13, Section 7.2.2 (vi) - Minimum Lot Area:

a minimum lot area of 695.4 m² (47.2 percent), whereas the By-law requires a minimum lot area of 735.8 m² (50 percent) of the existing lot area of record on the date of passing of Amending By-law 2012-13;

as it relates to a proposed 2-storey detached dwelling on Part 1.

This application is related to Consent application B/002/20 and Minor Variance application A/029/20. **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/028/20 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/029/20

Owner Name: Lareina Chan
Agent Name: Contempo Studio (Marin Zabzuni)
2 Hughson Drive, Markham
PLAN 4556 LOT 1

The applicant is requesting relief from the requirements of By-law 221-81 as amended to permit:

a) Amending By-law 2012-13, Section 7.2.2 (i) - Minimum Front Yard Setback:

a minimum front yard setback of 8.42 metres, whereas the By-law requires a minimum front yard setback of 9.0 metres;

b) Amending By-law 2012-13, Section 7.2.2 (ii) - Minimum Interior Side Yard:

a minimum north side yard setback of 1.51 metres and a minimum south side yard setback of 1.69 metres, whereas the By-law requires a minimum interior side yard of 1.8 metres on both sides;

c) Section 4.6 - Permitted Yard Encroachment:

an unenclosed roofed porch encroachment of 1.65 metres into the required front yard, whereas the By-law permits a maximum encroachment of 0.45 metres into the required yard;

d) Section 4.6 - Permitted Yard Encroachment:

an eaves encroachment of 0.60 metres, whereas the By-law permits a maximum eave encroachment of 0.45 metres into the required yard;

as it relates to a proposed 2-storey detached dwelling on Part 2.

This application is related to Consent application B/002/20 and Minor Variance application A/028/20. **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No A/029/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/063/20

Owner Name: Kevin Tieu and Amy Zhu
Agent Name: Contempo Studio (Marin Zabzuni)
8 Callahan Rd, Markham
PLAN 7566 LOT 24

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

- a) Section 6.1:**
a minimum front yard of 25 feet, whereas a minimum of 27 feet is required;
- b) Section 4.11:**
a minimum flankage yard of 10 ft 1/2 in, whereas a minimum of 13 ft 5.5 in is required;
- c) Section 6.1:**
a maximum lot coverage of 35.02 percent, whereas a maximum of 33 1/3 percent is permitted;
- d) Section 6.1:**
a maximum height of 26 ft 11 in (8.20m), whereas a maximum of 25 ft is permitted;

as it relates to a proposed 2-storey detached dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Marin Zabzuni appeared on behalf of the application.

Dan O'Kopniak of 168 Krieghoff Avenue spoke in opposition to the application. He does not believe they are minor in nature.

Christiane Bergauer-Free of 145 Krieghoff Avenue spoke in opposition to the application. She does not believe the area is in transition. She is concerned with the negative effects of water runoff. She is also concerned about the safety of residents as the proposed driveway will be located next to an existing community mailbox. The overall proposal should be reduced in scale.

Mark Scarrow of 4 Callahan Road spoke in opposition to the application. He believes that you can build a larger house within zoning requirements.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. He indicated that a revision of the proposal would be appropriate here.

Arina Nummi of 50 Emmeloord Crescent spoke in opposition to the application. The paving for the four car garage would not be environmentally friendly.

Peter Hadas of 107 Fred Varley Drive spoke in opposition to the application. The proposed development is more appropriate for estate lots and is incompatible with the lot sizes within the Unionville neighbourhood. He stated that Unionville has a strong sense of community.

Jean Gentles of 3 Callahan Road spoke in opposition to the application. The windows as proposed would affect privacy to adjacent properties.

Sharon Chisholm of 162 Krieghoff Avenue spoke in opposition to the application. They should have further consideration for the neighbourhood context.

Frank Guivernau of 157 Fred Varley Drive spoke in opposition to the application. He believes the neighbourhood feel or composition could be impacted by this proposal.

Mr. Zabzuni provided a study of houses in the neighbourhood. For the roof design, it was selected to provide something more consistent with the area. Due to the corner lot, he believes it appears it may make the proposed home appear larger than it really is. They have worked with City Staff to try and derive a more appropriate design.

Committee member Jeamie Reingold does not believe the proposal is appropriate for this neighbourhood. She does believe that such a design type has not appeared in this area as of yet.

Committee member Tom Gutfreund concurred with the previous comment as presented. He does not believe the 4-car garage design is consistent for this area. He also does not believe this proposal should be proceeding with a minor variance proposal.

Committee member Arun Prasad proposes the applicant speak further with neighbours on the proposal.

Committee member Sally Yan does not believe this proposal is in keeping with the neighbourhood.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

Tom Gutfreund opposed

THAT Application No A/063/20 be deferred sine die

Resolution Carried

5. B/011/20

Owner Name: Richard Gubb and Allyson Gubb

Agent Name: Gregory Design Group (Shane Gregory)

40 Albert St, Markham

PLAN 157 BLK A PT LOT 7

The owner (s) are requesting for provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 12.22m (40.09 ft) and approximate lot area of 458.80 sq. m (4,938.48 sq.ft) (Part 2);
- b) retain a parcel of land with an approximate lot frontage of 10.48m (34.38 ft) and approximate lot area of 442.90 sq. m (4,767.34 sq.ft) (Part 2).

The purpose of this application is to create a new residential lot line between a pair of semi-detached dwellings. This application is also related to Minor Variance application A/071/20. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He references the staff report which is supportive of the proposal.

Committee member Tom Gutfreund indicated support for the proposal. The variances appear minor and technical in nature.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No B/011/20 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/071/20

Owner Name: Richard Gubb and Allyson Gubb
Agent Name: Gregory Design Group (Shane Gregory)
40 Albert St, Markham
PLAN 157 BLK A PT LOT 7

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

a) Section 11.1:

to permit a lot frontage of 74 feet for a pair of semi-detached dwelling, whereas the By-law requires a lot frontage of 75 feet for a pair of semi-detached dwellings;

as it relates to a proposed severance for a pair of semi detached dwellings under construction. This application is related to Consent application B/011/20.
(Heritage District, Ward 4)

The Secretary-Treasurer introduced the application.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No. A/071/20 be approved subject to conditions contained in the staff report.

Resolution Carried

-Secretary-Treasurer provided update on LPAT appeals. Relating to A.131.19 to A.141.19 (271 to 357 William Forster Rd), a decision has been reached. 3 of the variance requests were withdrawn. The other variances were approved by the LPAT. The appellant and the City reached settlement on this matter.

-For A.072.20 (4389 19th Ave), an LPAT appeal was received yesterday. It will be processed and forwarded onto the LPAT accordingly.

MOTION TO ADJOURN

Moved by Arun Prasad

Seconded by Patrick Sampson

THAT the virtual meeting of Committee of Adjustment be adjourned at 9:04 PM, and the next regular meeting will be held September 2, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair