



CITY OF MARKHAM
Virtual meeting on zoom

December 2, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 23rd 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
Kelvin Kwok	7:00PM

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

DISCLOSURE OF INTEREST

Patrick Sampson - 14 Meyer Circle

Minutes: November 18, 2020

THAT the minutes of Meeting No. 22 of the City of Markham Committee of Adjustment, held November 18, respectively, be

- a) Approved as submitted, on December 2, 2020.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

PREVIOUS BUSINESS

1. A/048/20

**Owner Name: 10057428 CANADA CORP. (Magdi Wanis)
Agent Name: 10057428 CANADA CORP. (Magdi Wanis)
220 Cachet Woods Crt, Markham
PLAN 65M4414 BLK 2 65R37169 PARTS 2 AND 3**

The applicant is requesting relief from the requirements of By-law 165-80 as amended to permit:

- a) Section 6.4.1 (d)(iii):**
a maximum gross floor area for an accessory retail store of 278 sq.m., whereas the By-law permits a maximum of 100 sq.m.;
- b) Section 6.4.3 (a):**
a maximum allowable floor area ratio of 137 percent, whereas the By-law permits a maximum of 70 percent;
- c) Section 4.6.2 (d)(i):**
a minimum front yard setback of 3m, whereas the By-law requires a minimum front yard setback of 12m;
- d) Section 5.2 (d)(iii):**
a minimum interior side yard setback of 3m (north), whereas the By-law requires a minimum interior side yard of 7.93m;
- e) Section 5.2 (d)(iii):**
a minimum interior side yard setback of 6m (south), whereas the By-law requires a minimum interior side yard of 7.93m;
- f) Section 5.2. (d)(v):**
a yard encroachment (north) of 1.5m, whereas the By-law permits a maximum encroachment of 0.45m;
- g) Section 5.2 (d)(v):**
a yard encroachment (south) of 2.0m, whereas the By-law permits a maximum encroachment of 0.45m;
- h) Section 5.2 (d)(v):**
a yard encroachment (front) of 1.5m, whereas the By-law permits a maximum encroachment of 0.45m;
- i) Parking By-law 28-97, Section 3.0:**
a minimum parking count of 344 spaces, whereas the By-law requires a minimum of 427 spaces;

as it relates to a proposed 5-storey office building. (West District, Ward 2)

The Secretary-Treasurer introduced the application.

The agent Nick Wood appeared on behalf of the application. He explained the purpose of each variance and believes the proposal meets the four tests for minor variance. Mr. Wood indicated that they are also requesting to increase variance b) of a maximum allowable floor area ratio of 137 percent to 140 percent, whereas the By-law permits a maximum of 70 percent.

Tony Pac, owner of unit 122 of 200 Cachet Woods Court, requested that the owner explain how much percentage of Gross Floor Area would be used by the owner and other tenants.

Valentin Gaina, the project manager representing the client, responded that approximately half of the space would be leased to future tenants.

Committee member Tom Gutfreund expressed support for staff recommendations in the report and questioned the roadway allocation dedicated to the Region.

Mr. Wood spoke in response indicating that the lands conveyed to the region would be approximately 6 percent to 7 percent.

Committee member Arun Prasad questioned if the project would increase the levels of traffic generated by trucks.

Mr. Gaina responded stating that the development would not generate truck related traffic.

Committee member Sally Yan questioned the transportation demand measures and their implementation. She agrees with the staff recommendation for a Letter of Credit ensuring measures will be met.

Mr. Nick Wood responded indicating that the parking study explains and justifies the projected parking demand and measures.

Committee member Kelvin Kwok asked if the proposal includes electric vehicle parking and “end of trip” infrastructure.

Mr. Gaina responded confirming that the project incorporates plans for electric vehicle infrastructure and “end of trip” facilities.

Committee member Kelvin Kwok questioned the reason behind the Floor Area Ratio variance.

Andrzej Gortat, the architect, clarified the Floor Area Ratio calculation.

Committee Member Tom Gutfreund recommended that variance b) and j) be deferred so that proper public notification can be made.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No A/048/20 be partially approved subject to the conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/023/20

Owner Name: Vetmar Limited (Sandra Vettesse)
Agent Name: Gagnon Walker Domes Ltd. (Marc De Nardis)
11050 Woodbine Ave, Markham
CON 3 PT LOT 27 PT LOT 28

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

- a) a) Parking Standards By-law 28-97, Sec. 3.0 Table B, Industrial uses:**
A parking rate of 1 parking space per 120 m² of Gross Floor Area (GFA) for industrial uses, whereas the By-law requires a parking rate of 1 parking space per 40 m² of net floor area of each premises up to 1200 m², 1 parking space for each 100 m³ of net floor area of each premises between 1200 m² and 6000 m² and 1 parking space for each 200 m² of net floor area of each premises in excess of 6000 m²
- b) Table B8 (E):**
a minimum parking area depth of 18.0 metres in the front yard, whereas the By-law permits a maximum parking area depth of 12.0 metres;
- c) Table B8 (J):**
a minimum 3.75 metre landscape strip along the front lot line, whereas the By-law requires a minimum landscape strip width of 6.0 metres;
- d) Table B8 (K):**
a minimum 0.0 metre landscape strip along a cul-de-sac, whereas the By-law requires a minimum landscape strip width of 6.0 metres;
- e) Table B8 (K):**
a minimum 0.0 metre landscape strip along any other lot line other than the front lot line, whereas the By-law requires a minimum landscape strip width of 3.0 metres;
- f) Section 3.65:**
a retaining wall within a landscape strip, whereas the By-law definition of landscaping does not include retaining walls;

as it relates to the severed portion of a proposed industrial development. This application is related to minor variance application A/024/20. This application is also related to consent application B/004/20, which was approved by Committee on July 21, 2020. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Marc De Nardis appeared on behalf of the application.

Leslie Marlowe, a Principle at Berkshire Axis Development, spoke in support of the application.

Committee member Tom Gutfreund commented in support of the reduction based on the Staff report. He indicated that his support for the application is based on the industrial parking rate determined by the applicant and Planning staff. He does not wish the integrity of the industrial area be compromised by future commercial activity.

Committee member Sally Yan questioned how the unit numbers were calculated in relation to parking.

Mr. De Nardis explained the reasoning behind the parking deficiencies and the need for the variance.

Committee member Arun Prasad questioned the nature of the industrial use.

Mr. De Nardis explained that the Zoning By-law allows for a wide range of industrial uses and that there are currently no tenants.

Committee member Kelvin Kwok asked about the landscape reduction variances.

Mr. De Nardis explained that the landscape strip variances are due to issues of conveyance.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. A/023/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

2. A/024/20

Owner Name: Vetmar Limited (Sandra Vettesse)

Agent Name: Gagnon Walker Domes Ltd. (Marc De Nardis)
Vetmar Limited 11050 Woodbine Ave, Markham
CON 3 PT LOT 27 PT LOT 28

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

a) Parking Standards By-law 28-97, Sec. 3.0 Table B, Industrial Uses:

A parking rate of 1 parking space per 60 m² of Gross Floor Area (GFA) for industrial uses, whereas the By-law requires a parking rate of 1 parking space per 40 m² of net floor area of each premises up to 1200 m², 1 parking space for each 100 m² of net floor area of each premises between 1200 m² and 6000 m² and 1 parking space for each 200 m² of net floor area premises in excess of 6000 m²b) Table B8 (E):

b) Table B8 (E):

Maximum parking area depth of 18.0 metres in the exterior side yard, whereas the By-law permits a maximum parking area depth of 12.0 metres.

d) Table B8 (J):

a minimum 3.75 metre landscape strip along the front lot line, whereas the By-law requires a minimum landscape strip width of 6.0 metres;

e) Table B8 (K):

a minimum 0.0 metre landscape strip along any other lot line other than the front lot line, whereas the By-law requires a minimum landscape strip width of 3.0 metres;

f) Section 3.65:

a retaining wall within a landscape strip, whereas the By-law definition of landscaping does not include retaining walls;

as it relates to the retained portion of a proposed industrial development. This application is related to minor variance application A/023/20. This application is also related to consent application B/004/20, which was approved by Committee on July 21, 2020. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Marc De Nardis appeared on behalf of the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No A/024/20 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/089/20

Owner Name: Ebrahim Javady Torabi
Agent Name: Jim Kotsopoulos
2968 Elgin Mills Rd, Markham
CON 3 LT 26 PT 65R5591 PT 1

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

a) Table B2 (F) –

Minimum Rear Yard Required on Lot Accessed By Lane (Special Provision 5): to permit a private garage to be within or attached to the main building, whereas the By-law requires the private garage to be detached from the main building, if the lot is accessed by a lane;

as it relates to the proposed construction of 6 semi-detached units with rear lane access **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Jim Kotsopoulos appeared on behalf of the application. He provided clarification to the history of the proposal and the nature of the proposed variance.

John Yeh of 35 Earnshaw Drive spoke in opposition due to safety concerns caused by the proposed laneway related to fire access and City Operation trucks.

Yun Zhou of 37 Earnshaw Drive spoke in opposition of the proposal with concerns related to safety issues.

Mr. Kotsopoulos responded to the residents' concerns stating that the Site Plan application has addressed Fire and Operation issues during the City's review of the plans and that there are no safety concerns.

Committee member Tom Gutfreund asked if there would be any proposed development plans for the lands to the east which would transform the condo laneway into a public road.

Mr. Kotsopoulos responded that the laneway would not become a public road connected to future developments.

Committee member Kelvin Kwok asked if the laneway would remain private.

Committee member Jeamie Reingold commented stating that she does not believe the proposed laneway poses safety concerns.

Committee member Patrick Sampson asked if the project is a condominium or freehold.

Mr. Kotsopoulos confirmed that it is a common element private laneway.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No A/089/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/095/20

Owner Name: Greg Ireland
42 Galsworthy Drive, Markham
PLAN 4949 LOT 63

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

- a) By-law 1229, Sec. 1.2(iii):**
a maximum building depth of 20.93 m (68.67 ft); whereas the by-law permits a maximum building depth of 16.8 m (55.12 ft).
- b) By-law 1229, Sec. 1.2(vi):**
maximum floor area ratio of 49.93%; whereas the by-law permits a maximum floor area ratio of 45%

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

The Secretary-Treasurer introduced the application.

The agent Greg Ireland appeared on behalf of the application.

Committee member Tom Gutfreund commented on the design of the dwelling and compatibility in the neighbourhood.

Committee member Jeamie Reingold stated her appreciation for the design and support for the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/095/20 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/100/20

**Owner Name: Moheb Kheir
Agent Name: Neveen
14 Meyer Circle, Markham
PLAN M1898 PT LOTS 51 & 52**

The applicant is requesting relief from the requirements of By-law 163-78 as amended to permit:

- a) By-law 163-78, Sec. 7.2(b):**
allow an interior side yard setback of 1.21 m; where as the By-law requires minimum interior side yard setback of 1.8 m

as it relates to a proposed two storey rear and side addition. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Neveen Abdel-Aal appeared on behalf of the application.

Elizabeth Brown of 65 Sherwood Forest Drive spoke in opposition of the application. She indicated that the roof has not been lowered. She believes the scale and massing of the proposed addition is too large. She would like the applicant to reduce the side wall to break up the massing of the building. She expressed concern over the grading, drainage, and window on the side of the house.

Councillor Karen Rea indicated that the next door neighbour has asked that changes are made to the window on the side of the house due to privacy concerns. Councillor Rea expressed concerns over the grading and the impact of the driveway on drainage. She would like that the applicant addresses the proposed walkway expansion and confirm that window on the side of the house should be made smaller.

Mrs. Abdel-Aal responded to comments stating that they have agreed to reduce the walkway and ensuring that a different material will be used to allow for proper drainage. She advised that the owners have spoken to the neighbour to confirm that a smaller window will be installed to resolve the privacy issue.

Committee member Jeamie Reingold expressed concerns with the proposal in relation to the driveway, grading, and privacy issues. She believes the size of the proposed driveway is too large.

Mrs. Abdel-Aal responded stating that the size of the walkway has been reduced.

Committee member Sally Yan requested clarification related to the purpose of the second floor variance.

Mrs. Abdel-Aal responded to comments stating that the layout and position of staircases are the reasons behind the requested variance.

Committee member Tom Gutfreund commented on the walkway reduction. He expressed concerns over drainage issues.

Committee member Greg Knight requested clarification related to the access to basement.

Mrs. Abdel-Aal responded to comments clarifying the different access to the basement.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/100/20 be deferred sine die.

Resolution Carried

6. A/0107/20

Owner Name: Naipaul Sheosankar
Agent Name: Vin Engineering Inc. (Sunil Shah)
16 Peony Street, Markham
PLAN 65M3767 LOT 8

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

- a) By-law 177-96, Sec. 6.3.1.2:**
allow rear yard setback of 4.755 m, whereas the By-law permits 6.0 m
- b) By-law 177-96, Sec. 6.3.1.7a:**
allow lot coverage of 17.46%; whereas the By-law permits 15%

as it relates to a proposed coach house atop a detached garage. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application.

Committee member Sally Yan expressed her support for the application because she believes that it meets the four tests of the Planning Act.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No A/107/20 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/0108/20

Owner Name: Cornell Rouge Development Corp. (Miguel Singer)
Agent Name: Madison Homes Cornell Ltd (Shana Rezvan)
215 Webb Street, Markham
65M4544 LOT 47

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

a) By-law 177-96, Section 7.192.1(IV)

To increase the required rear yard set back of 1.20m as per zoning By-law to 6.0 so; that it would prevent uneven streetscape as well as not exposing the side elevation of the house adjacent to it.

as it relates to a proposed detached dwelling **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Christian Lamanna, representing the applicant, appeared on behalf of the application.

Committee member Tom Gutfreund indicated that he supports the application because he believes that it meets the four tests of the Planning Act.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/108/20 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/110/20

Owner Name: Wagama Nominee Ltd (Charlotte Schickedanz)
Agent Name: Delta Urban Inc. (Hatim Jafferjee)
10162 Warden Avenue, Markham
CON 4 PT LOTS 22 AND 23 RP 65R37430 PARTS 2 AND 3

The applicant is requesting relief from the requirements of By-law 304-87 and 28-97 as amended to permit:

a) By-law 304-87, Section 6.1:

To permit a semi-detached dwelling, whereas the By-law permits only one single detached dwelling.

b) By-law 28-97, Section 6.2.4.3 b)i)b):

To permit a driveway width of 12.33 metres, whereas the By-law permits a maximum parking pad width of 6.1 metres.

as it relates to a proposed semi-detached dwelling. **(North District, Ward 2)**

The Secretary-Treasurer introduced the application.

Mustafa Ghassan, representing the applicant, appeared on behalf of the application.

Committee member Tom Gutfreund indicated that he supports the application because he believes that it meets the four tests of the Planning Act.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/110/20 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by Patrick Sampson
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned at 9:50 PM, and the next regular meeting will be held December 16, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair

(after motion to adjourn)