



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

March 4, 2020
7:00 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 4th regular meeting of the Committee of Adjustment for the year 2020 was held at the time and place 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
Kelvin Kwok	7:00PM
Arun Prasad	7:20PM

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

Arun Prasad arrived at 7:20PM

Regrets
Sally Yan

Minutes: February 5, 2020 and February 19, 2020

THAT the minutes of Meetings No. 2 and No. 3 of the City of Markham Committee of Adjustment, held February 5, 2020 be

- a) Approved as submitted, on February 19, 2020

Moved By: Patrick Sampson
Seconded By: Jeannie Reingold

Resolution Carried

DISCLOSURE OF INTEREST

None

PREVIOUS BUSINESS

1. B/11/19

Owner Name: Wen Li

Agent Name: Gregory Design Group (Russ Gregory)

11 Gleason Ave, Markham

CON 8 PT LOT 14

The owner is requesting:

a) sever and convey a parcel of land with approximate lot frontage of 31.39 m (102.99 ft) and approximate lot area of 980.96 sq. m (7,329.79 sq.ft) (Part 2);

b) retain a parcel of land with approximate lot frontage of 25.72 m (84.38 ft) and approximate lot area of 664.29 sq. m (7,150.36 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/72/19 & A/73/19. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He indicated this application was deferred and they proceeded to contact both TRCA and Metrolinx to address some of their concerns. There are no variances needed to address lot frontage and lot area requirements. The variances being requested relate to the proposed houses to be placed on the severed and retained lots. Proposed building heights not inconsistent with others of the neighbourhood.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She raised concerns about the net floor area ratio variance. She cited another application similar to this one for 20 Grandview Avenue where the Committee refused that application.

Committee member Tom Gutfruend asked why they choose to sever the land as it is. He further comments that the net floor area is unusually large.

Mr. Gregory responded that it is due to proximity to the rail line and Metrolinx requirements. He further opined that as there are only 3 other houses on the street, to request these proposed houses built consistent with the other houses on street seems inappropriate.

Committee member Patrick Sampson inquired if neighbours were consulted. Mr. Gregory stated that attempts were made but neighbours did not respond.

Committee member Tom Gutfreund commented that this is a unique location.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. B/11/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/72/19

Owner Name: Wen Li
Agent Name: Gregory Design Group (Russ Gregory)
11 Gleason Ave, Markham
CON 8 PT LOT 14

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

a) Deck By-law 142-95, Section 2.2 (b)(i):

a maximum projection of 3.07 m (10.07 ft), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 metres from the point on the dwelling closest to the rear lot line;

b) Section 11.1:

a minimum rear yard setback of 6.96 m (22.83 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft);

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

a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as it relates to an existing one storey detached dwelling with a proposed two-storey addition. **(East District, Ward 4)**

This application is related to consent application B/11/19 and minor variance application A/73/19.

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/72/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/73/19

Owner Name: Wen Li
Agent Name: Gregory Design Group (Russ Gregory)
11 Gleason Ave, Markham
CON 8 PT LOT 14

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

a) Section 11.1:

a minimum front yard setback of 1.22 m (4 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);

b) Section 11.1:

a minimum rear yard setback of 5.30 m (17.38 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft);

c) Section 11.1:

a minimum side yard setback of 0.91 m (2.98 ft), whereas the By-law requires a minimum side yard setback of 1.22 m (4 ft) for the one storey portions of a building;

d) Infill By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 55.42 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

e) Infill By-law 99-90, Section 1.2 (iv):

a garage to project 5.18 m (16.99 ft) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 2.1 m (6.89 ft);

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

a maximum building depth of 17.53 m (57.51 ft), whereas the By-law permits a maximum of 16.8 m (55.12 ft);

g) Section 1.2 (i):

a maximum building height of 10.5 m (34.45 ft), whereas the By-law permits a maximum of 9.8 m (32.15 ft);

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

This application is related to consent application B/11/19 and minor variance application A/72/19.

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/73/19 be approved subject to conditions contained in the staff report and that variance d be reduced to 52%.

Resolution Carried

4. B/16/19

Owner Name: Bayview Summit Development Limited (Mark Johnson)
Agent Name: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
Bayview Summit Development Limited
2900 Steeles Ave, Markham
CON 3 PT LT 1 PLAN M1444 BLK E 66R8741 PTS 1-18

The owners are requesting:

- a) sever and convey a parcel of land with an approximate area of 21,202.1 sq. m and lot frontage of 153.5 m (Parts 19-25);
- b) retain a parcel of land with an approximate area of 50,627.5 sq. m and lot frontage of 251.5 m (Parts 1-18).
- c) establish access and servicing easements.

The purpose of this application is to create a new residential lot to facilitate the redevelopment of the property. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent James Koutsovitis appeared on behalf. He outlined that there were previous planning applications that were approved back in 2011 relating to redevelopment of the site. No minor variances are needed in relation to this severance (consent) application.

Natalia of 4005 Don Mills Road spoke with concerns of the application. There has been water issues, potential traffic issues and what will occur of the commercial use on site.

50 Wickster Way resident spoke with concerns of the application. The resident was concerned these agents will be affordable units.

14 Darby Way resident spoke with concerns of the application.

Mr. Koutsovitis responded that the plan as shown now is by and large similar to what has been approved. Several issues such as servicing will be addressed through a future site plan application.

Committee member Tom Gutfreund asked when construction will occur.

Mr. Koutsovitis indicated with this consent application, they are intending to proceed soon.

Committee member Arun Prasad raised concerns about traffic.

Committee member Kelvin Kwok inquired about the easements.

Mr. Koutsovitis responded these easements were reviewed in conjunction with City staff. He further indicated part of the shopping area is to be maintained.

Committee member Tom Gutfreund indicated that the development in principle is in place and site needs to be redeveloped.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold
Arun Prasad oposed

THAT Application No. B/16/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/126/19

Owner Name: Nimalharan Nagarajah and Bremshuya Sinnathamby
Agent Name: SHDesign (Samir Hinnawi)
69 Robinson St, Markham
PLAN 4949 LOT 96

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 building height of 10.46 metres, whereas the by-law permits a maximum building height of 9.80 metres;

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

a maximum Net Floor Area Ratio of 49.95 percent, whereas the by-law permits a maximum Net Floor Area Ratio of 45 percent;

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

a maximum building depth of 19.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent Samir Hinnawi appeared on behalf of the application. The application had previously been deferred and they have attempted to address some Committee concerns. He cited other property's which had similar variance requests. Net floor area request is now under 50%.

Liz Brown spoke in opposition to the application. While she recognizes changes to the proposal, she still have concerns with this. The open to below space is still of concern.

Mr. Hinnawi responded that this is being designed for a person to live in. The design is not dis-similar to other houses recently built in the area.

Committee Arun Prasad recognized that variance requests have been revised. He requested they may make changes to have more appropriate design.

The Chair did not believe the 2nd test for minor variance was met.

Moved By: Arun Prasad
Seconded By: None

THAT Application No. A/126/19 be approved subject to conditions contained in the staff report.

Resolution Failed to Carry

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

Arun Prasad opposed

THAT Application No. A/126/19 be deferred sine die

Resolution Carried

NEW BUSINESS:

1. A/86/19

Owner Name: Tahera Begum and MD Lutfur Rahman Selim
Agent Name: MD Lutfur Rahman Selim
33 Rowe Crt, Markham
PLAN 65M2527 PT BLK 162 RS65R11656 PARTS 1 2

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;

b) Parking By-law 28-97, Section 3.0, Table A:

a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

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

The Secretary-Treasurer introduced the application.

The owner Lutfur Selim appeared on behalf of the application.

Manager Bradley Roberts indicated parking standards varies within different neighbourhoods.

Committee member Arun Prasad asked if owner lives here.

Mr. Selim stated he does not live here. It is already rented (Ground floor) and now want a basement apartment as well.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No. A/86/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/010/20

Owner Name: Gajaruban Kandavanam and Sayenthavy Arunthavanathan
Agent Name: Georgio Lolos Designs Inc. (Georgio Lolos)
148 Church St, Markham
PLAN 1445 PT LOT 1

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

a) Parking By-law 28-97, Section 6.2.4.4 a) i):

a minimum driveway side yard setback of 3.94 feet, whereas the By-law requires a minimum driveway side yard setback of 4 feet;

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

a maximum building depth of 22.32 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

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

a maximum building height of 10.79 metres, whereas the By-law permits a maximum building height of 9.80 metres;

d) Section 6.1 (a):

an accessory basement apartment, whereas the By-law does not permit an accessory basement apartment;

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

The Secretary-Treasurer introduced the application.

Samir Hinnawi appeared on behalf of the application. Variances A and D are no longer applicable.

Mark Erzhen of 17 Sir Issac Gate spoke with concerns of the application. He is the property to the west of subject property. Loss of amenity planning cited as impact to this property.

Angelina Grkavac of 17 Sir Isaac Gate also spoke in opposition to the application.

Liz Brown of 65 Lincoln Green Drive spoke that with larger lot, variances shouldn't be necessary to achieve an appropriate in-fill home.

Mrs. McNabb of resident to the east of adjacent property stated that light issues would be affect.

Committee member Tom Gutfreund raised concerns about the building depth. The deck as proposed also appears quite large.

Committee member Jeamie Reingold stated the design appears desirable. However, the deck does not seem necessary or appropriate. She further indicated if some tree plantings can occur to address some privacy issues.
Committee member Tom Gutfreund asked to confirm balcony is Juliet.

Mr. Hinnawi acknowledged that.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/010/20 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/011/20

Owner Name: Ho Lim Ng and Alice Cheung
Agent Name: Vin Engineering Inc. (Sunil Shah)
12 Bittersweet St, Markham
PLAN 65M3767 LOT 246

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

a) Section 6.3.1.2:

to permit a detached private garage and any storey above to be setback a minimum of 5.69 metres from the main building, whereas the By-law requires a minimum setback of 6.0 metres;

as it relates to a proposed coach house over an existing detached garage.
(East District, Ward 5)

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

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

Resolution Carried

4. A/013/20

Owner Name: Yi Li
Agent Name: Impressions Group (Newry Shao)
95 Parkway Ave, Markham
PLAN M1378 LOT 98

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 floor area ratio of 57.3 percent, whereas the By-law permits a maximum of 45 percent;

b) Section 11.2 (c)(i):

an unenclosed porch (inc. cold cellar below) and stairs to encroach 11 ft 2 in into the required front yard, whereas the By-law permits a maximum encroachment of 18 in for an unenclosed porch and stairs;

c) Section 11.2 (c)(i):

a minimum front yard of 23 ft 3 in (25 ft 0 in - 1 ft - 9 in bay window), whereas the By-law requires a minimum front yard of 25 ft;

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

The Secretary-Treasurer introduced the application.

The agent indicated they accept to defer the application.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No. A/013/20 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/014/20

Owner Name: Anise Kara and Tamara Kara
Agent Name: Giancarlo's Design Services (Giancarlo Di Giambattista)
52 Glenbourne Park Dr, Markham
PLAN 6037 LOT 22

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

a) Section 5.5:

an accessory building located minimum of 30.42m from the arterial road, whereas no part of any structure shall be constructed within 40m of the centre line of any arterial road;

b) Section 7.6:

an accessory building erected in the side yard, whereas an accessory building is only permitted in the rear yard;

c) Section 7.5 b)(iv):

a minimum rear yard setback of 3.76m for the accessory building, whereas the By-law requires a minimum of 7.5m;

as it relates to a proposed cabana. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Giancarlo Di Giambattista appeared on behalf of the application. He indicated that there has been some revisions resulted in changes to setbacks.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No. A/014/20 be approved subject to conditions contained in the staff report and that approval be tied to revised drawings.

Resolution Carried

6. A/016/20

**Owner Name: CANADIAN PROPERTY HOLDINGS (ONTARIO) INC and
Calloway REIT (Woodside) Inc
Agent Name: SmartCentres REIT (Matthew Howard)
3155 Highway 7 E, Markham
CON 4 PT LOT 10 RP 65R16619 PARTS 1 TO 4 6 7 13 TO 15 30 TO 33
AND RP 65R17009 PART 3 AND RP 65R19051 PART 4**

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

a) Parking By-law 28-97, Section 3.0, Table B:

to permit a minimum of 1282 parking spaces, whereas a minimum of 1333 parking spaces is required;

as it relates to a proposed new commercial building consisting of three restaurant units.

This application is related to an active Site Plan Control Application SPC 19 115859.
(Central District, Ward 8)

The Secretary-Treasurer introduced the application.

The agent appeared on behalf of the application. There is currently an active site plan application under review. They did inquire about the conditions.

Committee member Tom Gutfreund felt that they did not want to revise conditions without consulting Planning staff.

**Moved By: Kelvin Kwok
Seconded By: Patrick Sampson**

THAT Application No. A/016/20 be approved subject to conditions contained in the staff report.

Resolution Carried

7. B/001/20

Owner Name: INCUMBENT AND CHURCHWARDENS OF GRACE CHURCH

**Agent Name: Weston Consulting Group (John Zipay)
19 Parkway Ave, Markham
CON 8 PT LOT 12**

The owner is requesting:

- a) sever and convey a parcel of land with an approximate lot frontage of 8.45 m on Parkway Avenue and 7.15 m on Town Crier Lane, and an approximate lot area of 26.84 sq. m (Parts 1 & 2);
- b) retain a parcel of land with an approximate lot frontage of 78.08 m on Parkway Avenue and 62.47 m on Town Crier Lane, and an approximate lot area of 13,837.16 sq. m (Part 1).

The purpose of this application is to sever a 26.84 sq m parcel of land located at the northeast portion of the subject property (19 Parkway Avenue), so that it can be conveyed and added to the abutting property to the east (7 Town Crier Lane). The severed parcel is proposed to be added to the abutting property to expand a driveway entrance onto Parkway Avenue for a proposed residential development currently under review by the City (Draft Approved Plan of Subdivision SU 16 175583 and Site Plan Control Application SC 16 175583). **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent John Zipay appeared on behalf of the application. This severance is being done in accordance with instructions of Commissioner of Development Standards. This is to address turning radius of vehicles.

Liz Brown spoke with concerns of the application. She was reiterating concerns of a neighbouring resident on development proposal issues.

Committee Member Patrick Sampson stated that the development proposal should not be discussed here as it has already been considered and approved by Council.

**Moved By: Tom Gutfreund
Seconded By: Patrick Sampson**

THAT Application No. B/001/20 be approved subject to conditions contained in the staff report.

Resolution Carried

-The Committee was notified that an appeal to Local Planning Appeal Tribunal (LPAT) was received for 107 Main Street Unionville (A.105.19). The appeal has been forwarded onto the LPAT.

MOTION TO ADJOURN

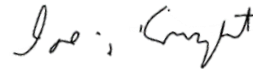
Moved by Tom Gutfreund
Seconded by Jeamie Reingold

THAT the meeting of Committee of Adjustment be adjourned at 10:49 PM, and the next regular meeting will be held on March 18, 2020.



Secretary-Treasurer,
Committee of Adjustment

CARRIED



Chair