



CITY OF MARKHAM
Virtual meeting on zoom

June 25, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 6th 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
Kelvin Kwok	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Melissa Leung, Development Technician
Justin Mott, Development Technician
Francois Hemon Morneau, Development Technician
Aleks Todorovski, Planner I, Zoning and Special Projects

DISCLOSURE OF INTEREST

None

PREVIOUS BUSINESS

1. A/128/19

Owner Name: Jia Ling Ru
Agent Name: CZC Building Consultants Ltd. (Ronald Cao)
8 Hamilton Hall Dr, Markham
PLAN M1385 LOT 124

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):

to permit a maximum Net Floor Area of 52.96 percent, whereas the By-law permits a maximum Net Floor Area of 45 percent;

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

to permit a maximum building height of 11.1 metres, whereas the By-law permits a maximum building height of 9.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent Han Zhou appeared on behalf of the application. The application had previously been deferred but was now being brought back with revisions to the proposal. The overall building footprint has been decreased. Massing has also been made more appropriate to neighbourhood character. The overall building height, in their opinion, they do not feel is excessive in nature.

Elizabeth Brown of Sherwood Forest Ratepayer Group spoke in opposition to the application. There are currently no in-fill houses on this portion of this street yet. While she notes variances are not precedent setting, she does comment that the staff report does reference variances as approved in the immediate area. She states the open to below space is significant.

Councillor Karen Rea spoke on the application. She states that the open to below space is considerable. She does not believe the design is in keeping with the neighbourhood.

Mr. Zhou responded that open to below does not factor into calculation of actual useable space. He cites that Markham is unique in calculating the garage space as part of overall useable space.

Committee member Tom Gutfreund comments that this proposal will be one of the first in-fill houses along this part of this street. He believes the proposal is too large in relation to neighbouring houses.

Committee member Jeamie Reingold notes this is a smaller lot and this house is not compatible here.

Committee member Patrick Sampson also indicated he does not support the current proposal and is not sure how substantial revisions have been made when it was previously deferred.

The agent requested, based on Committee comments, to defer application to make revisions.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

THAT Application No. A/128/19 be deferred sine die.

Resolution Carried

NEW BUSINESS:

1. A/175/16

Owner Name: Lan Zhang

Agent Name: CZC Building Consultants Ltd (Han Zhou)

20 Personna Blvd, Markham

PLAN 5316 PT BLK Q

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

a) Section 7.5 (b) (iv):

a minimum rear yard setback of 1.12m for an accessory building, whereas the By-law requires a minimum rear yard setback of 7.5m for an accessory building;

b) Deck By-law 145-95, Section 2.2 (b) (i):

a maximum deck projection of 16.87m from the point of the dwelling closest to the rear lot line, whereas the By-law permits a maximum deck projection of 3.0m from the point of the dwelling closest to the rear lot line;

c) Deck By-law 145-95, Section 2.2 (b) (ii):

a minimum rear yard setback of 1.2m for a deck, whereas the By-law requires a minimum rear yard setback of 3.0m for a deck;

as they relate to a proposed cabana and deck in the rear yard. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Han Zhou appeared on behalf of the application. This property has changed ownership twice. There had been previous minor variance application for the deck, cabana and outdoor pool. However, a hold had been placed on the application until it was resumed today. The property is within TRCA regulated lands

which influenced the design of the deck and where it is located. He used map to show that the visual impact to adjacent properties is minimal.

Stephen Wong of 35 Richard Person Drive spoke in opposition to the application. He believes there can be remedies or reduction to the proposal.

May Tang of 18 Personna Boulevard spoke in opposition to the application. The structure is already been built. They are also concerned about potential impact to wildlife in the area.

Committee member Tom Gutfreund inquired as to why building permit had already been issued.

Mr. Zhou indicated that the previous permit was built for only some portions of the exterior structures. They have now resumed their application with some additional features they wish to obtain approval for now. The new owner was only made recently aware of these non-conformity issues so that is why they have applied for this minor variance.

Committee member Kelvin Kwok asked if TRCA would not permit this development here as portion is within a regulated area.

Mr. Zhou responded that they have spoken with the TRCA and they are not objecting to the location of these exterior structures. However, a permitting process will have to be followed here.

Committee member Jeamie Reingold is concerned with the proposal and potential impacts.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/175/16 be refused.

Resolution Carried

2. A/160/19

Owner Name: KING SQUARE LTD
Agent Name: KLM Planning Partners Inc. (Marshall Smith)
KING SQUARE LTD
9390 Woodbine Ave, Markham
PLAN 65M3925 BLK 1 PT BLK 2 RP 65R34025 PARTS 1 TO 5 AND 8

The applicant is requesting relief from the requirements of By-law 165-90 as amended to permit:

a) Amending By-law 2019-35, Section 1.1:

to permit a maximum GFA of 2,128 square metres for a Recreational Establishment, whereas the By-law permits Recreational Establishment use to a maximum GFA of 450 square metres;

as it relates to a proposed indoor playground operation.

This application is related to Zoning Amendment ZA 18 176569, which was approved by Council on March 19, 2019. The use was sought to facilitate an indoor playground operation whose space requirements have since changed. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Marshall Smith appeared on behalf of the application. They are looking to convert portion of this shopping plaza space for indoor recreation space. They do not see any impact for parking spaces.

Committee member Patrick Sampson inquired if this application should be pursued through a rezoning application.

Staff indicated their review determined this proposal could be pursued by a minor variance application.

Committee member Arun Prasad believed a few years ago an attempt for a gentlemen's club was pursued here.

Staff clarified that adult entertainment and gambling is prohibited as recreational type uses.

Mr. Smith clarified that there is a variety of uses in the plaza. However, they are all permitted within commercial designation. They do have other planning applications to deal with the parking area of the property.

Committee member Sally Yan asked if the property is a phased development.

Mr. Smith responded that it is a phased development. Current surface parking area will eventually be a mixed residential-commercial development.

Moved By: Sally Yan

Seconded By: Patrick Sampson

THAT Application No. A/160/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/012/20

Owner Name: Patrick Henry & Nena O'Reggio
Agent Name: Arta Architects Inc (Cameron O'Neill)
69 Weeping Willow Lane, Thornhill
PL 7686 LT 203

The applicant is requesting relief from the requirements of By-law 2150 as amended to permit:

a) Section 6.1 - Building Height:

a building height of 27 feet, whereas the By-law permits a maximum building height of 25 feet;

b) Parking By-law 28-97, Section 6.1.2(b) - Parking Space Size:

a parking space of not less than 5.58 metres in length, whereas the By-law requires a minimum length of 5.8 metres within an enclosed garage;

c) Section 3.7 - Permitted Yard Encroachment:

a maximum canopy projection of 36 inches, whereas the By-law permits a maximum canopy encroachment of 18 inches into the required front yard setback;

d) Section 6.1 - Side Yard Setback:

a minimum north side yard setback of 4 feet 11 3/4 inches, whereas the By-law requires a minimum side yard setback of 6 feet;

as it relates to a proposed two-storey dwelling **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The owner spoke on behalf indicating they wish to withdraw as economic situation no longer feasible for their proposal.

Staff indicated no motion needed by Committee. The application was brought to Committee's attention as Notice of Public Hearing and signage had already been posted on subject property.

4. A/027/20

Owner Name: Zhi Hong Liu
Agent Name: Bijan Homes Limited (Bijan (M.A.) Jamali)
32 Daffodil Ave, Thornhill
PLAN M899 LOT 35

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

a) Infill By-law 100-90, Section 1.2 (iii):

a maximum building depth of 23.03 m, whereas the By-law permits a maximum building depth of 16.8 m;

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

a maximum building height of 10.15 m, whereas the By-law permits a maximum building height of 9.8 m;

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

The Secretary-Treasurer introduced the application.

The agent Bijan Jamali appeared on behalf of the application.

Committee member Jeamie Reingold inquired about neighbouring resident comments about potential impact to their cedar hedge.

Mr. Jamali responded that he had spoken to the neighbor earlier and indicated that, if application were approved, a grading plan would need to be submitted and approved by the City. In addition, they cannot conduct construction which acts to impact neighbouring properties.

Moved By: Sally Yan

Seconded By: Jeamie Reingold

THAT Application No. A/027/20 be approved subject to conditions contained in the staff report.

Resolution Carried

MOTION TO ADJOURN

Moved by Tom Gutfreund

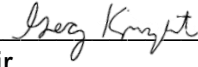
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned at 8:41 PM, and the next regular meeting will be held on June 30, 2020.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair