



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

June 12, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 10th regular meeting of the Committee of Adjustment for the year 2019 was held at the time and place above with the following people present:

	<u>Arrival Time</u>
Jeannie Reingold	7:30PM
Tom Gutfreund, Acting Chair	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM
Kelvin Kwok	7:30PM

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

Regrets
Gregory Knight

Minutes: May 29, 2019

THAT the minutes of Meeting No. 9 of the City of Markham Committee of Adjustment, held May 29, 2019, be

- a) Approved as submitted, on June 12, 2019

Moved By: Arun Prasad
Seconded By: Jeannie Reingold

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/19/19

**Owner Name: FUCAI WANG
Agent Name: Bill Ross & Associates (Bill Ross)
70 Chant Cres, Markham
PLAN M1440 LOT 32**

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

a) Section 6, Schedule B:

a maximum lot coverage of 35.86 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

b) Section 6, Schedule B:

a maximum building height of 26 ft 5 in, whereas the By-law permit a maximum building height of 25 ft;

as it relates to a proposed residential dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Bill Ross appeared on behalf of the application. At previous meeting, Committee commented on exterior design of house.

Moved By: Arun Prasad

Seconded By: Kelvin Kwok

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

Resolution Carried

2. A/22/19

**Owner Name: Emil & Usha Masilamany
Agent Name: Emil Masilamany
12 Sir Constantine Dr, Markham
PLAN M1392 LOT 147**

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 maximum Floor Area Ratio (FAR) of 48.6 percent, whereas the By-law permits a maximum FAR of 45 percent;

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

The Secretary-Treasurer introduced the application.

The owner Emil Masilamany appeared on behalf of the application. He indicated that since last meeting, Preliminary Zoning Review was completed and changes to proposal were made as recommended by the Committee. Additional letters of support have been received as well.

Laura Galati of 15 Sir Constantine Drive spoke in opposition to the application. The overall massing could be decreased. There is a house on adjacent Sir Caradoc Place which was built according to Zoning By-law.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. At the last meeting, deferral occurred to look at possibly reducing the Floor Area Ratio. That did not appear to change the proposal in accordance with Committee comments. There has been 2 rebuilds on Sir Constantine Drive. One of them required no variances and the second only need one variance.

Dana Clarfield of 10 Sir Constantine Drive spoke in opposition to the application. The sign on the property cannot be visible from the street. Ms. Clarfield also stated that for the deferral application, all residents in the 120 metres area were not sent a new Notice of Hearing Concerns relating to potential fall in real estate prices of the area was also cited.

Mr. Masilamany indicated the roof design was changed.

The Chair asked about the floor area ratio.

Mr. Masilamany indicated they have identified this floor area ratio variance as per discussion with staff.

Committee member Jeamie Reingold stated that applicant should look to reduce to 47% as previously indicated by the Committee.

Mr. Masilamany commented that attempts to speak with neighbouring residents has been done.

Committee member Arun Prasad indicated appropriate changes have been made and he would support the proposal now.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No. A/22/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/26/19

Owner Name: ANAE SOBHANI
Agent Name: EZed architects (Elmira Zarrabi)
24 Almond Ave, Thornhill
PLAN M835 LOT 162

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):**
a maximum building height of 8.95 metres, whereas the By-law permits a maximum building height of 8.6 metres;
- b) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 52.3 percent (3,266 sq. ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,125 sq. ft.);

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

The Secretary-Treasurer introduced the application.

The agent Elmira Zarrabi appeared on behalf of the application. Changes have been made to the proposal including on the roof design. The proposal is now compatible for the area. They also approached residents in area to discuss their proposal.

Doug Cousins of 23 Almond Avenue spoke in opposition to the application. Thornhill has generous zoning by-law requirement.

Bruce Telfer of 21 Almond Avenue indicated they are not NIMBY but just comment on certain ones which are not appropriate.

Ms. Zarrabi stated that roof is now sloped and eaves were changed. Building materials have also been chosen to be more compatible.

Committee member Jeamie Reingold commented that there is trend for this type of housing design.

Committee member Sally Yan indicated she was not part of previous Committee when this variance application was first introduced. She commented that not concerned with proposal but the design could be softened.

Committee member Kelvin Kwok asked if the library space could be reduced in terms of reducing the massing.

The Chair stated that appropriate changes to the proposal have been made. The Committee cannot set conditions on design and building materials but that applicant should consider such comments as provided by the Committee.

Moved By: Sally Yan

Seconded By: Arun Prasad

THAT Application No. A/26/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/28/19

**Owner Name: HANISHA INCORATED & GOPAL INVESTMENTS LTD.
Agent Name: The Planning Partnership (Bruce Hall & Arthur Grabowski)
8330 Woodbine Ave, Markham
PLAN 3940 LOTS 14 & 15 PLAN 65M2326 BLK 19 PLAN 65M2073 LOT 19**

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

- a) Section 5.3(g):**
a maximum height of 25.75m for the hotel and a maximum height of 17.01m for the office, whereas the By-law permits a maximum height of 14m;
- b) Section 5.3(d):**
a minimum front yard setback of 4.89m, whereas the By-law requires a minimum front yard setback of 12.0m;
- c) Section 5.3(d):**
a minimum rear yard setback of 5.0m, whereas the By-law requires a minimum rear yard setback of 12.0m;
- d) Section 5.3(d):**
a minimum flankage setback of 3.85m, whereas the By-law requires a minimum setback of 6.0m;
- e) Section 5.3(f):**
a minimum Gross Ground Floor Area of 744.9sqm, whereas the By-law requires a minimum Gross Ground Floor Area of 1,400sqm;
- f) Section 6.6.1:**
a restaurant, whereas the By-law does not permit a restaurant;
- g) Parking By-law 28-97, Table B:**
a minimum of 236 parking spaces, whereas the By-law requires a minimum of 317 parking spaces;

- h) **Section 4.1.5:**
a minimum of 2 loading spaces, whereas the By-law requires a minimum of 4 loading spaces;
- i) **Section 4.6.2:**
a minimum Arterial Road Centreline setback of 28.23m, whereas the By-law requires a minimum setback of 40.0m;
- j) **Section 4.7.1:**
a minimum landscape strip of 4.89m (east), whereas the By-law requires a minimum landscape strip of 9.0m;
- k) **Section 4.7.1:**
a minimum landscape strip of 3.0m (south), whereas the By-law requires a minimum landscape strip of 6.0m;
- l) **Section 4.7.1:**
a minimum landscape strip of 1.15m (west), whereas the By-law requires a minimum landscape strip of 6.0m;
- m) **Section 4.7.1:**
a minimum landscape strip of 3.0m (north), whereas the By-law requires a minimum landscape strip of 6.0m;

as it relates to a proposed seven-storey hotel and four-storey office with a restaurant at-grade. **(West District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Bruce Hall appeared on behalf of the application. There is an existing two storey hotel on site. Existing hotel is dated design and owners which to update the design. Planning staff had stated that the proposed changes could be done through minor variance. They also submitted a site plan application. These variances relate to performance standards for the property. This proposal has been endorsed by Development Services committee as well.

Committee member Arun Prasad suggested if electric charging stations could be placed on the property.

Committee member Kelvin Kwok inquired about parking reduction and if it can support the hotel, office and restaurant uses proposed on the site.

Committee member Jeannie Reingold asked about the front setback and potential issues relating to snow collecting there.

Mr. Hall responded that Development Services committee supported their proposal and irregular shape of building has resulted in the orientation of the building as it is on the land parcel.

Committee member Sally Yan raised if discussions with staff had occurred on pedestrian connections.

Mr. Hall responded that a 'Milestones' style restaurant is proposed for this property.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No. A/28/19 be approved subject to conditions contained in the staff report.

Kelvin Kwok opposed

Resolution Carried

NEW BUSINESS:

1. B/07/19

Owner Name: CIM Mackenzie Creek Inc. (Xie Lu Ping)
Agent Name: MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) (Debra Kakaria)
CIM Mackenzie Creek Inc. 9900 Markham Rd, Markham
CON 7 PT LOT 20 65R25116 PT1

The owner is requesting:

a) establish easements on the subject property for access, egress and landscaping in favour of the lands to the immediate south (1210 Castlemore Avenue). This application is related to consent application B/08/19. **(East District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Debra Kakaria appeared on behalf of the application. The two consent applications, B/07/19 and B/08/19, are related to allow mutual access for the two adjacent properties for a residential development.

Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok

THAT Application No. B/07/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. B/08/19

Owner Name: Wismer (Markham) Commercial Developments (Robert DeGasperis)
Agent Name: MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) (Debra Kakaria)
Wismer (Markham) Commercial Developments 1210 Castlemore Ave, Markham
CON 7 PT LOT 19 RP 65R33864 PART 1

The owner is requesting:

a) establish easements on the subject property for access, egress and landscaping in favour of the lands to the immediate north (9900 Markham Road). This application is related to consent application B/07/19. **(East District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Debra Kakaria appeared on behalf of the application. The two consent applications, B/07/19 and B/08/19, are related to allow mutual access for the two adjacent properties for a residential development.

Moved By: Jeamie Reingold
Seconded By: Kelvin Kwok

THAT Application No. B/08/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/45/19

Owner Name: Karnan Seevaratnam & Vadhanaa Karnan Thivya
Agent Name: AEM Designs (Ravinder Singh)
46 Batchford Cres, Markham
PLAN 65M3853 LOT 280

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

a) **Section 6.5:**

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

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

The Secretary-Treasurer introduced the application.

The owner Kaman Seevaratnam appeared on behalf of the application.

Committee member Jearmie Reingold asked about separate access and other approvals needed for a secondary suite.

Mr. Seevaratnam indicated they had submitted a building permit application and working with Building staff to address issues relating to secondary suite.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No. A/45/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/47/19

Owner Name: IBM Canada Ltd (Clarence Bumstead)
Agent Name: Malone Given Parsons Ltd. (Lincoln Lo)
IBM Canada Ltd 3600 Steeles Ave, Markham
PLAN M1785 PT BLK D AND E RP 65R5505 PARTS 11 TO 13 PT PARTS 1
TO 5 RP 65R35932 PARTS 7 TO 10 ENTERPRISE ROAD

The applicant is requesting relief from the requirements of By-law 108-81, as amended to permit:

a) Section 7.1.1:

a post secondary school that is a publicly funded university of up to 40,000 sq.ft, whereas the By-law does not permit publicly funded post secondary schools;

as it relates to a proposed university space in an existing office building. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Lincoln Lo appeared on behalf of the application. In discussions with staff, a cap on the space of the existing building used for the university was introduced. Synergies between IBM and York University could be realized at this site.

Committee member Arun Prasad indicated this proposed use is sensible.

Committee member Patrick Sampson asked how this would affect future York University Markham Centre campus.

Mr. Lo responded this is a one year lease.

Committee member Jeamie Reingold asked if York University would have shuttle buses at this location.

Mr. Lo responded there will not.

Committee member Sally Yan commented that this is good addition for Markham. She asked what would occur after one year lease and the space cap.

Mr. Lo stated that the space cap was done in consultation with municipal staff as to what would be appropriate for a minor variance. The one year is a pilot project and in future if they needed more space, that may be done through a rezoning application.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No. A/47/19 be approved subject to conditions contained in the staff report.

Resolution Carried

OTHER BUSINESS


-The Secretary-Treasurer notified the Committee that the Local Planning Appeal Tribunal (LPAT) appeal of minor variance A.33.19-5440 16th Avenue, has been withdrawn by the applicant/owner.

MOTION TO ADJOURN

Moved by Kelvin Kwok
Seconded by Arun Prasad

THAT the meeting of Committee of Adjustment be adjourned at 9:15 p.m., and the next regular meeting will be held on June 26, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair