



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

**August 7, 2019**  
**7:30 p.m.**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 14<sup>th</sup> 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

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

*Regrets*  
Gregory Knight, Chair  
Kelvin Kwok

**Minutes: July 24, 2019**

THAT the minutes of Meeting No. 13 of the City of Markham Committee of Adjustment, held July 24, 2019, be

- a) Approved as submitted, on August 7, 2019

**Moved By: Arun Prasad**  
**Seconded By: Jeannie Reingold**

Carried

**DISCLOSURE OF INTEREST –**

None

**PREVIOUS BUSINESS:**

**1. A/36/19**

**Owner Name: Donald Clarke  
Agent Name: Mario Colangelo  
284 Main St, Markham  
PLAN 1105 LOT 5**

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

**a) Section 6.1:**

an accessory dwelling unit, whereas the By-law does not permit an accessory dwelling unit;

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

an existing driveway setback of 0.0 feet, whereas the By-law requires a minimum 4 feet setback

as it relates to a proposed coach house. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Sam Awali appeared on behalf of the application. There is sufficient parking on site. He also indicates secondary suites meet provincial polices relating to affordable housing.

Committee member Jeamie Reingold asked that there would be no parking on front lawn portion of property.

Mr. Awali responded that it will not be used in such a manner as there is sufficient space in rear for parking.

Committee member Sally Yan asked about resident concerns on noise. She also indicated if potential additional landscape treatment could be done between adjacent neighbours.

Mr. Awali indicated the owner has a hobby (welding) he does in barn which is only done intermittently. Councillor Karen Rea also indicated owner spoke with neighbours and indicated noise issues will be addressed moving forward.

Committee member Arun Prasad asked about drainage issues raised by a resident. He also asked if secondary suite has been leased and if owner lives on site.

Mr. Awali indicated it is mostly soft landscaping on site. The owner contends that they actually face drainage issues from their neighbouring property to the south. He also states suite is rented out and there is another tenant on site as owner does not live on property.

**Moved By: Jeamie Reingold**  
**Seconded By: Sally Yan**

THAT Application No. A/36/19 be approved subject to conditions contained in the staff report with condition that landscape treatment be done on northerly portion of property to satisfaction of Directory of Planning and Urban Design or their designate.

Resolution Carried

2. **A/67/19**

**Owner Name: Polina Petkova & Dimitar Teodosiev**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**115 Senator Reesor's Drive**  
**PLAN 8330 LOT 83**

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 Net Floor Area Ratio of 53.10 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

**b) Section 11.1:**

minimum front yard setback (to porch) of 5.35 metres, whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

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

a maximum building height of 10.0 metres, whereas the By-law permits a maximum building height 9.8 metres;

as it relates to a proposed two-storey single detached dwelling to be constructed on existing foundations. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He outlined that changes to the proposal had been made since last meeting. He also cited another minor variance of 39 Henry Corson Place which had similar net floor area ratio variance. The design is an attempt to keep building envelope narrow. Some changes

to windows on side elevations of house were made to further increase privacy for adjacent properties.

Doug Crocker of Sherwood Forest Ratepayer Association spoke in opposition to the application. While he typically likes designs of the agent, this proposal and massing would be out of character for the neighbourhood. Further changes to the proposal could be made.

Elizabeth Chong of Sherwood Forest Ratepayer Association spoke in opposition to the application. She read letter from resident of 43 John Dexter Place which outlined that this house would be out of character for the neighbourhood and potential negative precedent could be set here.

Elle Costa of the Sherwood Forest Ratepayer Association spoke in opposition to the application. While the City has undertaken floor mitigation measures here, they now allow net floor area ratio increase. Ms. Costa raised inquiry about comments from a Committee member on changes in their neighbourhood.

Councillor Karen Rea stated that a deferral may be preferable to make some changes to the proposal. Overbuilding should not occur on this property.

Duncan Towel of 116 Senator Reesors Drive spoke in support to the application.

Mr. Gregory indicated he does not believe Councillor should speak at Committee. He did canvass neighbouring residents and provide letters and would encourage residents to speak with them. In addition, the area is changing with different development occurring.

Committee member Patrick Sampson raised concerns about the net floor area ratio.

Committee member Jeamie Reingold indicated that the proposal would be first new in-fill for the street. However, the proposal is not inappropriate for the area. However, she inquired if massing could potentially be reduced.

Mr. Gregory stated that his square footage indicated includes the garage space so this could make it appear larger.

Committee member Sally Yan commented that there are no side yard setback variances being requested. She stated that you could potentially reduce net floor area ratio and also inquired about the balcony and issues relating to this from last Committee member.

Mr. Gregory responded that they are putting a cover on the balcony after discussing with residents.

Committee member Arun Prasad stated that he sees that Ward 4 residents do attend Committee meetings frequently due to the net floor area.

Acting Chair stated that the design is positive, however, massing continues to be an issue. Under 50% would be more reasonable proposal in this instance.

Mr. Gregory commented that he may need to look at this proposal again and may need a deferral.

**Moved By: Jeamie Reingold**  
**Seconded By: Arun Prasad**

THAT Application No. A/67/19 be deferred sine die.

Resolution Carried

**NEW BUSINESS:**

**1. B/10/19**

**Owner Name: Sixteenth Land Holdings Inc (Michael Montgomery)**  
**Agent Name: Gatzios Planning & Development Consultants Inc. (Maria Gatzios)**  
**Sixteenth Land Holdings Inc**  
**4134 16th Ave, Markham**  
**CON 5 PT LOTS 16 TO 18**

To permit:

- a) sever and convey a parcel of land with approximate lot frontage of 1064 m and approximate lot area of 92.6 ha (Parts 27, 28, 30 to 32 and 34);
- b) retain a parcel of land with approximate lot frontage of 613 m and approximate lot area of 75.9 ha (Parts 1 to 26, 29, 33 and 35 to 49);
- c) discharge a mortgage from a portion of the retained parcel (Parts 3 to 5, 25 and 38 to 49).

The purpose of this application is to create two separate parcels of land, each with its own Draft Plan of Subdivision approval and associated conditions to facilitate the development of each parcel at its own pace by its own separate future owner.

This application is also related to minor variance applications A/61/19 and A/62/19.  
**(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Maria Gatzios appeared on behalf of the application. There is a consent and two related minor variance applications. The variances relate to the pre-development condition of the golf course buildings on site. The previous planning applications had already shown this severance line to set the land up for staggered development. The Local Planning Appeal Tribunal (LPAT) did issue a verbal Order allowing these applications.

Fadel Fahmy of 26 Linda Avenue spoke in opposition to the application. He raised concerns about the proposal.

31 Walnut Glen Resident, person attending today representing them. He raised issues of green space and potential buffers with existing houses.

Secretary-Treasurer indicated that issues raised by residents, while recognized, would have been addressed with the previous planning applications. The Committee is only to consider the consent and minor variance applications before them.

Committee member Arun Prasad stated they recognize previous comments but was asked about floor area ratio and traffic. Also why is LPAT verbal approval only.

Ms. Gatzios indicated that extensive traffic studies for the area. The LPAT is delayed in issuing a written decision.

Committee member Sally Yan asked for first phase is how many units.

Ms. Gatzios responded around 500 units. She also stated that the entire golf course would now become development. With development, there will be legal agreements so want separate ownerships to be able to complete such agreements. Floor area will be in accordance with new Zoning requirements.

**Moved By: Patrick Sampson**  
**Seconded By: Sally Yan**

**Arun Prasad opposed**

THAT Application No. B/10/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/61/19**

**Owner Name: Sixteenth Land Holdings Inc (Michael Montgomery)**  
**Agent Name: Gatzios Planning & Development Consultants Inc. (Maria Gatzios)**  
**Sixteenth Land Holdings Inc**

**4134 16th Ave, Markham  
CON 5 PT LOTS 16 TO 18**

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

**a) Section 10.2 (c):**

a minimum side yard and rear yard setback of 0.0m for an accessory building, whereas the By-law permits a minimum side and rear yard setback of 7.5m;

as it relates to an existing building that currently sits on the proposed severance line.

This application is related to consent application B/10/19 and minor variance application A/62/19. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

\*Discussion of this application was part of the consent application B.10.19

**Moved By: Patrick Sampson**

**Seconded By: Sally Yan**

**Arun Prasad opposed**

THAT Application No. A/61/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**3. A/62/19**

**Owner Name: Sixteenth Land Holdings Inc (Michael Montgomery)  
Agent Name: Gatzios Planning & Development Consultants Inc. (Maria Gatzios)**

**Sixteenth Land Holdings Inc  
4134 16th Ave, Markham  
CON 5 PT LOTS 16 TO 18**

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

**a) Section 10.2 (c):**

a minimum side yard and rear yard setback of 0.0m for an accessory building, whereas the By-law permits a minimum side and rear yard setback of 7.5m;

as it relates to an existing building that currently sits on the proposed severance line.

This application is related to consent application B/10/19 and minor variance application A/61/19. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

\*Discussion of this application was part of the consent application B.10.19

**Moved By: Patrick Sampson**

**Seconded By: Sally Yan**

**Arun Prasad opposed**

THAT Application No. A/62/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/70/19**

**Owner Name: Nileshkumar & Mittalkumari Patel**  
**Agent Name: Ashra Professionals Inc (Hetal Parmar)**  
**33 Roy Rainey Avenue, Markham**  
**PLAN 65M3788 LOT 71**

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

**a) Amending By-law 119-71, Section 1(9):**

a secondary suite in the basement of an existing residential dwelling, whereas the By-law permits no more than one dwelling unit on a lot;

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

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 4)**

The Secretary-Treasurer introduced the application.

The agent Hetal Parmar appeared on behalf of the application.

Committee member Jeamie Reingold asked who is renting the unit.



Ms. Parmar indicated it is for the owners son.

The Acting Chair asked about the substantial paving on the property. He reiterated parking for driveway and garage only.

**Moved By: Arun Prasad**

**Seconded By: Jeamie Reingold**

THAT Application No. A/70/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/71/19**

**Owner Name: Betty Tse**

**Agent Name: Sparrow Studio (Robin McKenna)**

**21 Personna Blvd, Markham**

**PLAN 5316 PT BLK R**

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

**a) Amending By-law 2008-21, Section 7.5 (b)(iv):**

a minimum side yard setback of 3.35 metres and the sum of the width of both side yards of 8.1 metres, whereas the By-law requires a minimum side yard setback of 3.0 metres and the sum of the width of both side yards shall not be less than 9.0 metres;

as it relates to an existing detached garage. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Robin McKenna appeared on behalf of the application. The garage as proposed would be complementary with the existing house on site.

Committee member Jeamie Reingold commented she does not believe this variance is needed in this instance. She does not support application as it currently stands.

Mr. McKenna responded that they worked and revised proposal extensively with Toronto and Region Conservation Authority (TRCA). There is actually constraints in terms of what they can develop on site.

Committee member Patrick Sampson felt a minor proposal and supportive.

**Moved By: Patrick Sampson**  
**Seconded By: Arun Prasad**

**Jeamie Reingold opposed**

THAT Application No. A/71/19 be approved subject to conditions contained in the staff report.

Resolution Carried

6. **A/76/19**

**Owner Name: Nanthakumaran & Shanthi Balasingham**  
**Agent Name: Krishanthini Ganesh**  
**28 Carolwood Cres, Markham**  
**PLAN 5937 LOT 29**

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

- a) **Amending By-law 2008-21, Section 1.1:**  
a sum width of not less than 6.01 m for both side yards, whereas the By-law permits a sum width of not less than 9 m;

as it relates to a proposed detached dwelling. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent appeared on behalf of the application. They believe the proposal is suitable for the area. Five letters of support were received.

Mohammad Iman of Rouge River Ratepayer Association spoke in opposition to the application. Planning principles are not being upheld here. There are several residents in opposition to the application. There is a unique character of the area with respect to the Official Plan policies.

Committee member Jeamie Reingold indicated that she recognizes comments of the resident. She does not believe this side yard setback variance is necessary.

Committee member Arun Prasad asked about design and parking on site.

The designer Krishanthini Ganesh spoke on behalf of application. He stated there is internal garage for potentially 5 vehicles.

Committee member Patrick Sampson stated that side yard setback appears to be necessitated due to the proposed garage.

Committee member Sally Yan reiterated that this proposal does not appear to meet 4 tests for a minor variance. Sufficient vegetation between properties does not appear to be maintained here. Reduction in floor area could address the side yard setback issue.

Acting Chair stated that intent of Zoning By-law should be maintained here. This is a large size of lot where house could be made to fit here.

**Moved By: Patrick Sampson**  
**Seconded By: Jeamie Reingold**

THAT Application No. A/76/19 be refused.


Resolution Carried

**MOTION TO ADJOURN**

**Moved by Arun Prasad**  
**Seconded by Jeamie Reingold**

THAT the meeting of Committee of Adjustment be adjourned at 9:27 p.m., and the next regular meeting will be held on August 28, 2019.

CARRIED

  
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Secretary-Treasurer,  
Committee of Adjustment

  
\_\_\_\_\_  
Chair