



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

August 28, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 15th 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	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Gregory Knight, Chair	7:30PM
Kelvin Kwok	7:30PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Melissa Leung, Committee of Adjustment Technician

Regrets
Patrick Sampson

Minutes: August 7, 2019

THAT the minutes of Meeting No. 14 of the City of Markham Committee of Adjustment, held August 7, 2019, be

- a) Approved as submitted, on August 28, 2019

Moved By: Tom Gutfreund
Seconded By: Jeannie Reingold

Carried

DISCLOSURE OF INTEREST –

None

OLD BUSINESS (deferred items):

1. A/67/19

**Owner Name: Polina Petkova and Dimitar Teodosiev
Agent Name: Gregory Design Group (Russ Gregory)
115 Senator Reesor's Dr, Markham
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 52.3 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. Front and rear porch has been added for the proposal. Hip roof at top of house has also been added.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. The net floor area reduction is not sufficient.

Mr. Gregory responds that additional changes to the proposal has occurred.

Committee member Tom Gutfreund indicated the floor area is too significant.

Committee member Sally Yan also concurred with this.

Committee member Kelvin Kwok also affirmed comments on floor area.

The Chair asked what changes had occurred with proposal.

Mr. Gregory stated that when you take some of the proposed space out from rear, the drawings would not show such changes. Several minor changes to the proposal have been made. He indicated he is willing to reduce floor area to 50%.

The Chair commented that as this is being proposed to be built on existing foundation there are limits in terms of what can be proposed.

Moved By: Arun Prasad
Seconded By: Jeannie Reingold

THAT Application No. A/67/19 be approved subject to conditions contained in the staff report and amending variance A to 50%.

Resolution Carried

NEW BUSINESS:

1. A/32/19

Owner Name: Sun Yue & Zhang Ying
Agent Name: Henry He
14 Buttonfield Road, Markham
PLAN 65M2556 LOT 114

The applicant is requesting relief from the requirements of By-law 118-79, as amended to permit:

a) Section 6.1 & 7.1.1:

a second dwelling unit/basement apartment, whereas the By-law permits no more than one single detached dwelling unit on a lot;

as it relates to an existing basement apartment that was built without a permit.

(Central District, Ward 2)

The Secretary-Treasurer introduced the application. It was indicated that as it is being deferred, the interested parties will be notified when the application will be brought back.

The applicant was not in attendance.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/32/19 be deferred sine die.

Resolution Carried

2. B/11/19

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

To permit:

- 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. Mr. Gregory stated he is aware of staff deferral but wanted to raise some issues. He had engaged Metrolinx who did not object but that bore hole testing would be needed.

The Secretary-Treasurer responded that Toronto and Region Conservation Authority (TRCA) and Metrolinx had raised issues with the proposal. As staff had recommended deferral, no recommended conditions were provided now.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown stated that she had spoken with the adjacent neighbour who had relayed to her concerns of flooding in the immediate area. The mass and scale and setbacks are not appropriate.

Committee member Sally Yan feels any decision on the consent application would be premature until further comments from TRCA can be found.

Committee member Tom Gutfreund agrees with proposal in principal. However, as there are other mitigating issues could affect where the severance line would be.

Mr. Gregory stated that he may not be looking for immediate decision from Committee on this proposal but wanted to see if Committee had concern about proposal in principal.

Moved By: Sally Yan

Seconded By: Arun Prasad

THAT Application No. B/11/19 be deferred sine die.

Resolution Carried

3. 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.

The agent Russ Gregory appeared on behalf of the application. Mr. Gregory stated he is aware of staff deferral but wanted to raise some issues. He had engaged Metrolinx who did not object but that bore hole testing would be needed.

The Secretary-Treasurer responded that Toronto and Region Conservation Authority (TRCA) and Metrolinx had raised issues with the proposal. As staff had recommended deferral, no recommended conditions were provided now.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown stated that she had spoken with the adjacent neighbour who had relayed to

her concerns of flooding in the immediate area. The mass and scale and setbacks are not appropriate.

Committee member Sally Yan feels any decision on the consent application would be premature until further comments from TRCA can be found.

Committee member Tom Gutfreund agrees with proposal in principal. However, as there are other mitigating issues could affect where the severance line would be.

Mr. Gregory stated that he may not be looking for immediate decision from Committee on this proposal but wanted to see if Committee had concern about proposal in principal.

Moved By: Sally Yan
Seconded By: Arun Prasad

THAT Application No. A/72/19 be deferred sine die.

Resolution Carried

4. **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.

The agent Russ Gregory appeared on behalf of the application. Mr. Gregory stated he is aware of staff deferral but wanted to raise some issues. He had engaged Metrolinx who did not object but that bore hole testing would be needed.

The Secretary-Treasurer responded that Toronto and Region Conservation Authority (TRCA) and Metrolinx had raised issues with the proposal. As staff had recommended deferral, no recommended conditions were provided now.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown stated that she had spoken with the adjacent neighbour who had relayed to her concerns of flooding in the immediate area. The mass and scale and setbacks are not appropriate.

Committee member Sally Yan feels any decision on the consent application would be premature until further comments from TRCA can be found.

Committee member Tom Gutfreund agrees with proposal in principal. However, as there are other mitigating issues could affect where the severance line would be.

Mr. Gregory stated that he may not be looking for immediate decision from Committee on this proposal but wanted to see if Committee had concern about proposal in principal.

Moved By: Sally Yan

Seconded By: Arun Prasad

THAT Application No. A/73/19 be deferred sine die.

Resolution Carried

5. **A/77/19**

Owner Name: Antonio Ferlenda
Agent Name: Gregory Design Group (Russ Gregory)
43 Rougecrest Dr, Markham
PLAN 4427 LOT 48

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

- a) **Section 11.1:**
a maximum lot coverage of 40.1 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) **Section 11.1:**
minimum front yard setback of 7.00 m (22.96 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);
- c) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 18.80 m (61.67 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft);
- d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 52.7 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application.

Wayne Allen of 45 Rougecrest Drive spoke in opposition the application. Elevation and grading and potential water runoff to his property. However, he does like the design.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. In fill by-laws were to limit scale and mass which this proposal does not achieve. She notes that the applicant did not accept reduced proposal request as outlined in staff report.

Mr. Gregory responded that he resides in the area. He will also undergo lot grading process with Engineering Dept. to ensure water does not run off onto adjacent properties.

Committee member Jeamie Reingold recognized that as this is a bungalow-type proposal that lot coverage would need to be addressed.

The Chair commented that the proposal should be looked at cumulatively and not just at each individual numerical variance requests. Cumulatively it is appropriate.

Committee member Tom Gutfreund provided support of the proposal.

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

THAT Application No. A/77/19 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/78/19

Owner Name: 1354028 ONTARIO INC. and Granite REIT (Frank Tozzi)
Agent Name: Pullmatic Manufacturing (Eugene Lai)
1354028 ONTARIO INC.
430 Cochrane Dr, Markham
PLAN 65M2073 LOT 11 & PT 12 65R7095 PT 2

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

a) Section 4.7.1 (b):

a landscape open space adjoining a street, a strip of land having a minimum depth of 4.5 metres immediately abutting the street line, whereas the By-law requires a minimum depth of 6.0 metres;

as it relates to a proposed parking lot expansion. **(West District, Ward 8)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund

Seconded By: Kelvin Kwok

THAT Application No. A/78/19 be deferred sine die.

Resolution Carried

7. A/79/19

Owner Name: Rathini and Desmond Jordan Isaac

Agent Name: Desmond Jordon Isaac
16 Wickson St, Markham
PLAN 65M4008 LOT 88

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

- a) **Section 6.5:**
- b) The applicant is requesting relief from the requirements of By-law 165-80, as amended to permit:

as it relates to an existing basement apartment. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The owner Desmond Issac appeared on behalf of the application. He stated that as his children no longer residing in the house he was now looking to rent out the unit.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/79/19 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/80/19

Owner Name: Diamonali and Nazin Jina
Agent Name: John Fray
7 Spangler Rd, Markham
PLAN 65M2525 PT LOT 55 65R11158 PTS 7 & 8

The applicant is requesting relief from the requirements of By-law 90-81, as amended to permit:

- a) **Section 5.2.1:**
to permit a Secondary Suite, whereas the By-law only permits no more than one (1) semi-detached dwelling on one (1) lot;

as it relates to a proposed basement apartment that is under construction.
(East District, Ward 7)

The Secretary-Treasurer introduced the application.

The agent John Fray appeared on behalf of the application.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No. A/80/19 be approved subject to conditions contained in the staff report.


Resolution Carried

MOTION TO ADJOURN

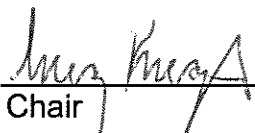
Moved by Arun Prasad
Seconded by Kelvin Kwok

THAT the meeting of Committee of Adjustment be adjourned at 8:41 p.m., and the next regular meeting will be held on September 11, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair