



CITY OF MARKHAM
101 Town Centre Boulevard
Markham, Ontario
Canada Room

November 27, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 21th 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
Patrick Sampson	7:30PM
Gregory Knight, Chair	7:30PM
Kelvin Kwok	7:30PM

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

Minutes: November 13, 2019

THAT the minutes of Meeting No. 20 of the City of Markham Committee of Adjustment, held November 13, 2019, be

- a) Approved as submitted, on November 27, 2019

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

Carried

DISCLOSURE OF INTEREST –

None

Applicant for A/127/19 requested to be heard first due to a religious event. Committee did not want to move it up to be heard.

PREVIOUS BUSINESS:

1. **A/06/18**

Owner Name: Trina and Dimitrios Kollis
Agent Name: Gregory Design Group (Russ Gregory)
15 Wales Ave, Markham
PLAN 1318 LOT 21

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 (iii):

a maximum building depth of 20.60 m (67.59 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);

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

a maximum Floor Area Ratio of 50 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. This is the second attempt to revise proposed by him to consider comments of the Committee.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She highlights that the open to below space not included in the floor area ratio variance. The overall size of proposed home appears to remain unchanged.

David Johnston appeared on behalf of his daughter's property to the south. He had prepared a sun shade study show this proposal will impact the adjacent properties. The proposal is now at its 7 iteration.

Mr. Gregory responded that he has attempted to revise proposal as per Committee's comments. Side yard and height variances are not being sought.

Committee member Tom Gutfreund commented proposal seems to have been revised accordingly. He inquired about the accessible bathroom and if it is still part of the proposal.

Mr. Gregory stated there is a large mud room which could eventually be converted to become a bedroom. They may also install an elevator in future as one of the owners may have future accessibility needs.

Committee member Jeannie Reingold stated that the proposal appears compatible for the neighbourhood.

Moved By: Tom Gutfreund
Seconded By: Jeannie Reingold

THAT Application No. A/06/18 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/92/19**

Owner Name: Ken Jian Wong & Tit Yan Hung
Agent Name: SDG Design (Stefano Di Giulio)
28 Church St, Markham
PLAN 18 BLK 1 PT LOT 2

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 (iii):**
a maximum building depth of 24.18 m (79.33 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);
- b) **Infill By-law 99-90, Section 1.2 (vi): a maximum floor area ratio of 46.1 percent (3,703 sq.ft.),** whereas the By-law permits a maximum floor area ratio of 45 percent (3,613.3 sq.ft.);
- c) **Section 11.1:**
a minimum front yard setback of 2.13 m (7 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);

as it relates to a proposed two-storey residential dwelling (existing heritage building to remain). **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Stefano Di Giulio appeared on behalf of the application. The existing heritage home was retained while also accommodating a new dwelling. Proposal was also revised to address neighbour to the east. They initially worked to get approval from Heritage Markham.

James Thirren of 32 Church Street spoke in opposition to the application. He indicated his home was approved through minor variance process. They support a home being built there but not in its current form. If the proposed home sitting was shifted back could address the shade issue. He did canvass neighbours who also were concerned with the proposal.

David Johnston spoke in opposition to the application. He stated that the proposal does not appear to have undergone a site plan process. Tree impact study/report also does not appear to have been done. Although some zoning by-laws date to the 1950s, they were contemplated with neighbourhood and community issues. He did not believe this was complimentary for a subdivision-type development.

Committee member Jeamie Reingold commented that this is not a subdivision. She inquired if the porch of heritage building is a historical feature.

Mr. Di Giulio responded that it is. He also indicated that 3 arborist reports have been completed. In response of petition submitted by Mr. Thirren, homes directly across street did not sign the petition.

Committee member Tom Gutfreund states that the roof has been reduced with no variance requests. He also comments that the shading issue is not substantial.

Committee member Sally Yan believes the transition between heritage and new building done in a complimentary nature.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No. A/92/19 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. B/17/19

Owner Name: TERESA FILICE
Agent Name: Paul Filice
4310 19th Ave, Markham
CON 5 PT LOT 31

To permit:

- a) sever and convey a parcel of land with approximate lot area of 43,800.2 sq. m (Part 1); b) retain a parcel of land with approximate lot frontage of 36.9 m and approximate lot area of 3,541 sq. m (Part 3).

The purpose of this application is to sever a rear portion of the subject property (4310 19th Avenue) to be conveyed to the adjacent property to the west (4294 19th Avenue). This application is related to minor variance application A/102/19. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Paul Filice appeared on behalf of family members. Portion of rear property is severed to be conveyed to adjacent property. This is due to a family planning initiative. No new lots are being proposed.

Committee member Tom Gutfreund asked why severance occurred.

Mr. Filice responded that this is to facilitate for potential future sale of land for his mother if later on she is unable to maintain the large property.

Committee member Arun Prasad asked if father had will for siblings.

Mr. Filice indicated his siblings have other properties nearby. This property is to address needs of his mother.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. B/17/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/102/19

Owner Name: TERESA FILICE
Agent Name: Paul Filice
4310 19th Ave, Markham
CON 5 PT LOT 31

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

- a) **Section 7.5 a) iii):**

To permit a minimum lot area of 0.35 hectares, whereas the By-law requires a minimum of 4.0 hectares;

as it relates to a proposed land severance (B/17/19). (West District, Ward 6)

The Secretary-Treasurer introduced the application.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

THAT Application No. A/102/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/112/19

Owner Name: HANA SONG
Agent Name: Gregory Design Group (Russ Gregory)
123 Main St, Unionville
PL 401 LT 14

The applicant is requesting relief from the requirements of By-law 122-72 as amended to permit:

- a) **Section 7.4 f):**
a building height of 22 feet, whereas the By-law permits a maximum height of 15 feet;
- b) **Section 7.4 b):**
a habitable space or home office in new loft area, whereas use for human habitation or secondary dwelling is not permitted; c) **Section 11.2 d):** a lot coverage of 34.5 percent, whereas the By-law permits a maximum of 33 1/3 percent;

as it relates to a proposed rear two-storey detached garage with loft.
(Heritage District, Ward 3)

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application.

Tony of Mauro of 127 Main Street spoke in opposition to the application. Accessory structure in the rear would take up large portion of rear landscaped area. He does not believe this proposal is necessary.

Mr. Gregory responded that the accessory structure will not become a habitable space. They choose not to connect garage to main dwelling as it would not be a compatible design.

Committee member Tom Gutfreund asked about the balcony and if it could be relocated to south.

Mr. Gregory responded that it would go to site plan approval process and potentially the redesign could be looked at.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/112/19 be approved subject to conditions contained in the staff report and condition that balcony be relocated to south of structure.

Resolution Carried

4. **A/113/19**

Owner Name: Sunrise Acquisitions (Hwy 7) Inc. (Veniece Omand)
Agent Name: Pound & Stewart Associates Limited (Philip Stewart)
Sunrise Acquisitions (Hwy 7) Inc.
4138 7 Hwy, Markham
65M4539 BLK 3 65R37967 PART 27

The applicant is requesting relief from the requirements of By-law 122-72 as amended to permit:

- a) **Section 7.531.4 Special Parking Provision & Section 6.1.2 (b) Size of required Parking Spaces (2014-65):**
to permit a reduced required parking size of 2.6 metres by 4.0 metres, whereas the By-law requires a minimum parking space provided in an enclosed or underground garage to have a width of not less than 2.6 metres and a length of not less than 5.8 metres;

as it relates to a proposed access doorway, landing, and staircase in a garage.
(Central District, Ward 3)

The Secretary-Treasurer introduced the application.

Agent Darryl Salmond appeared on behalf of the application. He indicated this variance is for one of the proposed lots.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No. A/113/1919 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/114/19

**Owner Name: Neamsby Investments Inc. (Remington Group Inc.)
(Anthony Sotomayor)**
Agent Name: Cherish Integrated Services (Annie Leung)
Neamsby Investments Inc. (Remington Group Inc.)
1211 Denison St, Markham
PLAN M1915 BLK 4

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

- a) Amending By-law 315-83, Section 1 (b):**
to permit a Respite Day Care Facility, whereas a Respite Day Care Facility is not permitted;
- b) Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**
to provide two spaces per unit, plus one space per 50 square metres of gross floor area for a Respite Day Care Facility, whereas one space per 25 square metres is required for all other uses not defined;

as it relates to a proposed nonprofit social services organization. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Annie Leung appeared on behalf of the application.

Committee member Sally Yan asked about nature of lease. She also indicated such use in employment area is sensible.

Ms. Leung responded they are a charity with lease up to 10 years.

Committee member Arun Prasad inquired as to why in application they define use as commercial school.

Manager of Zoning Bradley Roberts indicated that was how it was interpreted.

Moved By: Sally Yan

Seconded By: Jeamie Reingold

THAT Application No. A/114/19 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/115/19

Owner Name: Walter Ribeiro

Agent Name: Ian Robertson Design (Bobbi-Jo Mackinnon)

52 Dove Lane, Thornhill

PLAN 3512 PT LOT 25 AND 26 65R36933 PARTS 1 AND 5

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) - Building Height:**
a maximum building height of 11.12 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Section 6.1 - Front Yard Setback:**
a minimum front yard setback of 26.7 feet (8.14 metres), whereas the By-law requires a minimum front yard setback of 27 feet;
- c) **Amending By-law 101-90, Section 1.2(iv) - Building Depth:**
a maximum building depth of 29.83 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- d) **Section 6.1 - Rear Yard Setback:**
a minimum rear yard setback of 19.75 feet (6.02 metres), whereas the By-law requires a minimum rear yard setback of 25 feet;
- e) **Section 4.4.1 - Accessory Buildings:**
to erect an accessory building (Cabana) in the side yard, whereas the By-law requires all accessory buildings which are not part of the main building to be erected in the rear yard;
- f) **Amending By-law 101-90, Section 1.2(vii) - Floor Area Ratio:**

a maximum floor area ratio of 54.8 percent (9,254 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (8,349 sq.ft.);

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

The Secretary-Treasurer introduced the application.

The agent Ian Robertson appeared on behalf of the application. He stated that the property had been severed a few years ago. Some reduction to the proposal had been made in discussion with city staff.

Anton Stevens residing in Ida Street spoke in opposition to the application. There has been flooding issues in the area. He inquires as to what remaining green space on the property.

Joseph Carulo of 15 Ida Street spoke in opposition to the application. This is a monster house which is not compatible for the area.

Mr. Robertson indicated the proposal, if approved, would have to undergo a city grading process. There are elements of the proposal which do comply with zoning requirements.

Committee member Tom Gutfreund indicated grading issues would be addressed at later stage by city staff.

Committee member Arun Prasad asked if there was a severance in the past.

Mr. Robertson responded there had been one. This was to prepare 3 lots.

Member Sally Yan asked about lot coverage.

Mr. Robertson responded there are no minimum soft landscaped area requirements.

Committee member Tom Gutfreund indicated it is a large lot with lot home. Water flow is potentially is an issue. However, will support staff position.

Committee member Arun Prasad believes deferral should be done to address water issues.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

**Sally Yan, Tom Gutfreund and Gregory Knight supported
Patrick Sampson, Sally Yan, Kelvin Kwok and Arun Prasad opposed**

THAT Application No. A/115/19 be approved subject to conditions contained in the staff report.

Resolution Does Not Carry

Moved By: Arun Prasad
Seconded By: Patrick Sampson

Kelvin Kwok and Sally Yan opposed

THAT Application No. A/115/19 be deferred sine die.

Resolution Does Not Carried

7. A/121/19

Owner Name: Ruiyun Cai
Agent Name: Allera Engineering and Construction Inc. (Ally Yi)
32 Fred Varley Dr, Markham
PLAN 7566 PTBLK D

The applicant is requesting relief from the requirements of By-law 122-72 as amended to permit:

- a) Section 11.2 (c):**
to permit an east side yard setback of 1.30 m (4.27 ft) and west side yard setback of 1.5 m (4.92 ft), whereas the By-law requires a minimum side yard setback of 1.83 m (6 ft) for the two-storey portions of a building;
- as it relates to a proposed two-storey residential dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The owner appeared on behalf of the application. Neighbour to the east supported the application as well.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No. A/121/19 be approved subject to conditions contained in the staff report.

Resolution Carried

8. **A/122/19**

Owner Name: Shaqil Kassam & Caroline Lee-Ming Chua
Agent Name: Baroque Group Inc. (Argemiro Neto)
22 Parkway Ave, Markham
PLAN 5223 LOT 1

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

- a) **Amending By-law 99-90, Section 1.2(ii):**
to permit a maximum building depth of 21.9 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as it relates to a proposed rear canopy. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Argemiro Neto appeared on behalf of the application. This proposal focuses on the canopy.

Liz Brown of 65 Lincoln Green Drive wanted clarification on the variance request.

Mr. Neto responded it is due to the orientation of the lot which has resulted in the variance.

Committee member Arun Prasad asked why canopy needed.

Mr. Neto indicated it is for family entertainment purposes.

Moved By: Sally Yan
Seconded By: Patrick Sampson

THAT Application No. A/122/19 be approved subject to conditions contained in the staff report.

Resolution Carried

9. **A/127/19**

Owner Name: Neamsby Investments Inc. (Remington Group Inc.)
(Anthony Sotomayor)

Agent Name: Social Services Network for the York Region (Naushad Hirji)
Neamsby Investments Inc. (Remington Group Inc.)
1271 Denison St, Markham
PLAN M1915 BLKS 1 2 & 4 AND PART OF BLKS 3 & 5

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

- a) Amending By-law 315-83, Section 1 (b):**
to permit a Respite Day Care Facility, whereas a Respite Day Care Facility is not permitted;
- b) Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**
to provide two spaces per unit, plus one space per 50 square metres of gross floor area for a Respite Day Care Facility, whereas one space per 25 square metres is required for all other uses not defined;

as it relates to a proposed nonprofit social services organization. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Naushad Hirji appeared on behalf of the application.

Dan Zhu of 40 Fieldview Crescent asked how many people will be coming to this centre.

Mr. Hirji responded most of their users come after 4PM and also use public transit to reduce traffic impacts. The facility centres on providing programming for seniors.

Committee member Arun Prasad asked what defines a 'respite centre'.

Mr. Hirji stated it is for seniors of different accessibility. Approximately 50 members.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No. A/127/19 be approved subject to conditions contained in the staff report.

Resolution Carried

MOTION TO ADJOURN

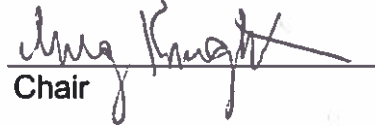
Moved by Arun Prasad
Seconded by Patrick Sampson

THAT the meeting of Committee of Adjustment be adjourned at 10:35 p.m., and the next regular meeting will be held on December 11, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair