



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

December 11, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 22nd 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>
Jeamie Reingold	7:30PM
Tom Gutfreund	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM
Gregory Knight, Chair	7:30PM

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

Absent
Kelvin Kwok

Minutes: November 27, 2019

THAT the minutes of Meeting No. 21 of the City of Markham Committee of Adjustment, held November 27, 2019, be

- a) Approved as submitted, on December 11, 2019

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/81/19

**Owner Name: 2574023 Ontario Inc.
Agent Name: Lorne Rose Architect Inc. (Lorne Rose)
2574023 Ontario Inc.
3 Sunflower Crt, Thornhill
PLAN M899 LOT 37**

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

a) Section 14 (i)(c): a minimum front yard setback of 27 feet 9.78 inches, whereas the By-law requires a minimum front yard setback of 35 feet;

b) Section 14 (i)(e):

a minimum rear yard setback of 31 feet 2.5 inches, whereas the By-law requires a minimum rear yard setback of 50 feet;

c) Amending By-law 100-90, Section 1.2(i):

a maximum building height of 11.2 metres, whereas the By-law permits a maximum building height of 9.8 metres;

d) Section 9(i):

a maximum front porch canopy encroachment of 31 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required front yard;

as it relates to a proposed residential dwelling. This application is related to a previously approved minor variance application (A/74/18), in which the variances have subsequently been revised. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Christian Chan appeared on behalf of the applicant. Mr. Chan indicated additional materials were provided to the Committee members before this meeting. The lot is at a curve which affects the actual massing of the building. Vegetation along boundary of site provides privacy to adjacent properties. Built form is consistent with their previous minor variance request.

Committee member Tom Gutfreund indicated he is familiar with this lot.

Committee member Patrick Sampson asked about ownership of lands.

Mr. Chan responded being built by owner.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. A/81/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/106/19**

Owner Name: Asif Rehman & Syeda Tahira Asif
Agent Name: Vin Engineering Inc. (Sunil Shah)
36 Lady Fern Dr, Markham
PLAN 65M-3133 LOT 196

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

a) Table A1 & Section 6.5:

To permit an accessory basement dwelling unit, whereas the By-law permits no more than one single detached dwelling/dwelling unit on a lot, unless otherwise specified;

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

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application. The owner is seeking to legalize this basement apartment.

Eddie Cheung of 38 Lady Fern Drive spoke in opposition to the application. There are concerns with setbacks between their and the subject property.

Mr. Shah responded it should comply.

Committee member Tom Gutfreund asked about the side door access.

Mr. Shah responded side door does not currently exist but will be built in conformance with building requirements.

Committee member Arun Prasad asked if fencing could be erected.

Mr. Shah commented that it is a possibility.

Committee recommends condition for fencing.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/106/19 be approved subject to conditions contained in the staff report and additional condition for privacy screening along property line.

Resolution Carried

NEW BUSINESS:

1. A/123/19

Owner Name: 1052574 ONTARIO INCORPORATED
Agent Name: QX4 Investments Ltd. - Consulting Services (Ben Quan)
1052574 ONTARIO INCORPORATED
7850 Woodbine Ave, Markham
PLAN 65M2481 LOT 35

The applicant is requesting relief from the requirements of By-law 28-82 as amended to permit:

- a) Section 6.3.1(b):**
to add the following to the list of permitted uses: Recreational Establishment, Banquet Hall, and Restaurant, to facilitate the re-leasing of floor space within the existing building;
- b) Parking By-law 28-97, Section 2.0:**
to exclude from the definition of FLOOR AREA, NET the following: xi) any part of a building used exclusively by the building management for storage of items, supplies and machinery associated with the maintenance of the property; and xii) non-leasable floor area including common corridors;

as it relates to an existing industrial/commercial building. **(West District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Ben Quan appeared on behalf of the application. Mr. Quan recognizes planning report requests deferral but believes Committee should hear the application. The proposal is for a gaming centre. There are other similar uses already in

existence at this commercial complex. He believes planning staff had issues with parking calculation. He does not believe the calculation is at issue and parking will not be negatively impacted.

Committee member Sally Yan asked about the agent's parking methodology.

Mr. Quan responded he is attempting to address the parking by-law. Overall, his calculation appears to show deficiency of 2 parking spaces. He stated that hallways and vestibules are not described or provisioned for in the by-law. He did obtain information from the City on zoning to determine his parking needs.

Committee member Jeamie Reingold asked if alcohol will be served.

Mr. Quan stated that he is unsure.

Committee member Arun Prasad is concerned the use may result with rowdy and violent behaviour of customers. He cited the adjacent karaoke bar with such issues.

Committee member Sally Yan believes methodology presented addresses potential parking issues.

Staff indicated that there is potential condition of parking utilization study.

Committee member Arun Prasad believes application deferral would be appropriate.

Moved By: Sally Yan

Seconded By: Jeamie Reingold

Arun Prasad and Gregory Knight opposed

THAT Application No. A/123/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/124/19**

Owner Name: YORK MILLS CUSTOM HOMES LTD (Zheng Jian Dai)

Agent Name: Ron Custom Homes (Ron Safapour)

YORK MILLS CUSTOM HOMES LTD

1 Tusgay Crt, Markham

PLAN 7566 LOT 226

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

- a) **Section 6:**
a minimum front yard setback of 20 ft, whereas the By-law permits a minimum front yard setback of 27 ft;
- b) **Section 3.7:**
an uncovered and unenclosed walk-up stair to project 9 ft 6 in into the required rear yard;

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

The Secretary-Treasurer introduced the application.

The agent Ron Safapour appeared on behalf of the application.

Chammy Chan of 10 Tuscan Court spoke in opposition to the application. She was wondering if the front door or addressing would change to Fred Varley Drive. There also appears of potential tree removal.

Mr. Safapour responded that landscape plan will be prepared.

Committee member Tom Gutfreund indicates that a tree preservation plan would need to be prepared.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/124/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/125/19

Owner Name: Edward Harold & Mignonne Harold
Agent Name: SHDesign (Samir Hinnawi)
19 Wildrose Cres, Thornhill
PLAN M899 PT LT 66 PT LT 67 66R2319 PTS 17 AND 51

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(i) Max Building Height:**
A maximum building height of 10.99 m; whereas, the by-law permits a maximum building height of 9.8 m;
- b) **Infill By-law 100-90, Section 1.2(iii) Max Building Depth:**
A maximum building depth of 20.12 m; whereas, the by-law permits a maximum building depth of 16.8 m;
- c) **Infill By-law 100-90, Section 1.2(vi) Max Floor Area Ratio:**
A maximum floor area ratio (FAR) of 54.2 percent (4,474 sq ft); whereas the by-law permits a maximum FAR of 50 percent (4,123 sq ft);
- d) **Section 12(iv)(a) Buildings Erected Between Existing Buildings:**
A front yard setback of 27 ft (8.23 m); whereas, the by-law requires a minimum front yard setback of 9.27 m (30.4 ft).

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

The Secretary-Treasurer introduced the application.

The agent Samir Hinnawi appeared on behalf of the application. Building envelope is compatible with requirements. Rail corridor setback will be similar to other properties of the area.

Daniel Yang of 21 Wildrose Crescent spoke in opposition to the application. He did inquire about the garage and trees.

Mr. Hinnawi stated the garage will be at grade.

Committee member Tom Gutfreund that fencing be erected with neighbour to the north.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

THAT Application No. A/125/19 be approved subject to conditions contained in the staff report with condition for fencing to the side of north property line.

Resolution Carried

4. **A/126/19**

Owner Name: Nimalharan Nagarajah & Bremshuya Sinnathamby
Agent Name: SHDesign (Samir Hinnawi)
69 Robinson St, Markham

PLAN 4949 LOT 96

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(i):**
a maximum building height of 10.92 metres, whereas the by-law permits a maximum building height of 9.80 metres;
- b) **Infill By-law 99-90, Section 1.2(vi):**
a maximum Net Floor Area Ratio of 51.3 percent, whereas the by-law permits a maximum Net Floor Area Ratio of 45 percent;
- c) **Infill By-law 99-90, Section(iii):**
a maximum building depth of 19.1 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent Samir Hinnawi appeared on behalf of the application. The roof is slightly higher towards the rear of the property.

Ralph Brown indicated previous Committee did not permit Floor Area Ratio above 50%.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The net floor area is a significant request.

Mr. Hinnawi stated the design concept is due to the owners personal preferences.

Committee member Tom Gutfreund believes this is too large a building footprint.

Committee member Jeamie Reingold commented that the variance requests should be reduced.

Mr. Hinnawi stated that building height should be looked at again.

The Chair indicated deferral may be appropriate to make changes.

Moved By: Arun Prasad

Seconded By: Tom Gutfreund

THAT Application No. A/126/19 be deferred sine die.

Resolution Carried

5. **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 Ronald Cao appeared on behalf of the application. The house is being proposed to meet needs of a growing family. The new home will sit on existing foundation. Design of house being done to address feng shui principles. Neighbour to the rear had indicated support of the proposal.

Ms. Brown spoke in opposition to the application. There are no other similar proposals or infill in the area. The numbers as requested are too high.

Committee member Tom Gutfreund feels the home is too large and not appropriate for the area.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

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

Resolution Carried

6. **A/129/19**

Owner Name: MING-FANG KUAN & Karen Fonyee Lee
Agent Name: Brutto Consulting (Claudio Brutto)
8 Rycroft Dr, Markham
PLAN 7566 LOT 169

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 35.95 percent, whereas the by-law permits 33.33 percent;
- b) **Section 6, Schedule B:**
a minimum sideyard setback of 4 ft, whereas the by-law permits 6 ft;

as it relates to a single detached two storey dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Francesco Fiorani spoke on behalf of the application. He contends the four tests for minor variance are met in relation to this proposal.

Ian Free of 20 Worsley Court spoke in opposition to the application. There appears to be discrepancy in the staff report. The side elevation would be imposing to adjacent properties.

Christiane Bergauer-Free of 20 Worsley Court spoke in opposition to the application. She raised issues of compatibility of in fill with established houses. Potential drainage issues could be present here.

Mr. Fiorani responded that there is a typo in the staff report. It was to reference to a tree on adjacent property.

Committee member Jeamie Reingold inquired if side yard setback variance could be removed.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

Jeamie Reingold opposed

THAT Application No. A/129/19 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/130/19**

Owner Name: Wu Xue Jing
Agent Name: Edwin Cheng
28 Hemingway Crescent, Markham
PLAN M1441 LOT 248

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

- a) **By-law 11-72, Section 6.1:**
to permit a building height of 28 feet 3 inches (8.6 metres); whereas the By-law permits maximum building height of 25 feet (7.6 metres) from average grade to midpoint
- b) **By-law 11-72, Section 4.11:**
to permit flankage setback of 12 feet 3 inches (3.7 metres); whereas the By-law requires minimum flankage setback of half building's height at 14 feet 1.5 inches (4.3 metres)
- c) **By-law 11-72, Section 6.1:**
to permit a front yard setback relating to bay window section of 26 feet (7.9 metres); whereas the By-law requires minimum front yard setback of 27 feet (8.2 metres)

as it relates to a secondary storey addition. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Edwin Cheng appeared on behalf of the application. The footprint is similar to original home on site.

Committee member Tom Gutfreund inquired if property is on top of hill and if they spoke to adjacent neighbour.

Mr. Cheng responded that it is and that adjacent neighbour in process to selling their house.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/130/19 be approved subject to conditions contained in the staff report.

Resolution Carried

8. **A/131/19 to A/141/19**

Owner Name: Cornell Rouge Development Corp.
Agent Name: Forest Hill Homes (Eddie Lee)
Cornell Rouge Development Corp.
271, 337, 339, 341, 343, 347, 349, 351, 353, 355 and 357 William Forster Rd, Markham
65M4513 LOT 8, Lot 54, Lot 55, Lot 56, Lot 57, Lot 59, Lot 60, Lot 61, Lot 62, Lot 63 and Lot 64

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

a) Parking By-law 28-97, Section 3.0:

a minimum of 2 parking spaces, whereas the By-law requires a minimum of 2 parking spaces for the principal dwelling and 1 parking space for the apartment unit;

as it relates to a proposed reduction in the minimum number of parking spaces in order to accommodate an apartment above the garage.

This application is related to minor variance applications A/132/19, A/133/19, A/134/19, A/135/19, A/136/19, A/137/19, A/138/19, A/139/19, A/140/19 & A/141/19. All applications are requesting the same minor variance request (**East District, Ward 5**)

The Secretary-Treasurer introduced the application.

David Falletta of Bousfields Inc. appeared on behalf of the applicant. The variances is to address parking of these sites only. These coach houses relate to provincial policy guidelines to increase housing supply. The adjacent park could provide on street parking. Residents here could apply for on-street parking. No changes to exterior building façade are being proposed. There are three bus stops nearby in addressing comments of lack of transit options.

David, Lawrence and Denise, 333, 335, 345, 347 and 349 William Forester Drive spoke in opposition to the application. They indicated they were the future property-owners and were not aware of these variance requests. They contend the developer cannot sell the properties in their current form.

Mr. Lee of Forest Hill Homes indicated that the ancillary use is permitted in terms of coach house. The zoning does permit for this use.

Mr. Falletta commented that the homes or lots are still within Forest Hill Homes ownership.

Committee member Arun Prasad inquired about how permit parking is facilitated.

Mr. Falletta responded that permit parking can be allowed.

Committee member Jeamie Reingold stated she is concerned of this proposal bringing forward 11 lots simultaneously.

The Chair indicated that provincial planning is supportive of secondary suites and for which the Committee would take into consideration. The principle issue here is parking and other issues raised are to be addressed separately.

Committee member Tom Gutfreund supports application but the approach to bring forward application was done opaquely.

Committee member Patrick Sampson believes applicant and neighbours relationship is significant and not being considered for.

Committee member Sally Yan concerns with the process but as planning application support the proposal. Municipalities must adhere to provincial policies.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

Jeamie Reingold, Arun Prasad and Patrick Sampson opposed

THAT Application No. A/131/19 to A/141/19 be approved subject to conditions contained in the staff report.

Resolution failed to pass

Moved By: Arun Prasad

Seconded By: Jeamie Reingold

Sally Yan and Tom Gutfreund opposed

THAT Application No. A/131/19 to A/141/19 be denied

Resolution passed

9. A/145/19

Owner Name: Mina Guan
Agent Name: Steer Friends (Steven Wilkins)
91 Anderson Ave, Markham
YORK REGION CONDO PLAN 750 LEVEL 1 UNIT 12

The applicant is requesting relief from the requirements of By-law 88-76 as amended to permit:

1) By-law 88-76, Section 6.1

To permit a Respite Day Care Facility whereas A respite Day Care Facility is not permitted; and,

2) By-law 28-97, Table B

To permit 37 parking spaces, whereas 43 are required

as it relates to a proposed respite day care within a unit of a commercial complex.
(East District, Ward 5)

The Secretary-Treasurer introduced the application.

The agent for Steer Friends appeared on behalf of the application. Maureen Hall identified that this use for young adults with developmental needs. They are here to represent children who are going to use these services. They address the Condo Corp. and their letter of concern. It appears some other permitted uses of similar nature are in adjacent properties. The parking provisions do not reflect that the users cannot drive as they require use of wheelchair. There appears to be non-industrial uses in this complex.

Liz Brown of 65 Lincoln Green Drive spoke in on the application. She knows a unit owner who supports the application.

Julia Sjaarda of Gowlings representing the Condo Corp. spoke on the application. She contends an employment land conversion should be done here. Noise study and parking study should be done. The Condo Corp. is required to retain industrial uses for the complex.

Committee member Tom Gutfreund notes differing planning opinions as presented by applicant and the Condo Corp. However, area is in transition with varying uses.

Committee member Arun Prasad supported the application.

Committee member Jeamie Reingold supports the application.

Committee member Sally Yan asked if they had funding.

The applicant responded they do not have funding.

The Chair asked about the parking variances.

Staff responded that there is an existing minor variance. The parking in essence remains unchanged. It is believed overall industrial parking rate would be consistent with this.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/145/19 be approved subject to conditions contained in the staff report.


Resolution Carried

MOTION TO ADJOURN

Moved by Arun Prasad
Seconded by Tom Gutfreund

THAT the meeting of Committee of Adjustment be adjourned at 12:35 a.m., and the next regular meeting will be held on January 22, 2020.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair