



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

May 8, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 8th 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>
Gregory Knight	7:30PM
Jeamie Reingold	7:30PM
Tom Gutfreund	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

Minutes: April 24, 2019

THAT the minutes of Meeting No. 7 of the City of Markham Committee of Adjustment, held April 10 2019, be

- a) Approved as submitted, on May 8, 2019

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Carried

DISCLOSURE OF INTEREST –

None

ELECTION AND APPOINTMENT OF CHAIR AND VICE CHAIR

That Gregory Knight be appointed Chair of the Committee of Adjustment effective May 8, 2019 onwards until such time successor could be appointed.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Resolution Carried

That Tom Gutfreund be appointed Vice-Chair of the Committee of Adjustment effective May 8, 2019 onwards until such time successor could be appointed.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

Resolution Carried

APPOINTMENT OF SECRETARY-TREASURER

That Justin Leung be appointed Secretary-Treasurer, Committee of Adjustment effective May 8, 2019 onwards until such time successor could be appointed.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Resolution Carried

APPOINTMENT OF ACTING SECRETARY-TREASURERS

That Melissa Leung, Hailey Miller and Michelle Lui be appointed Acting Secretary-Treasurer, Committee of Adjustment effective May 8, 2019 onwards until such time successor could be appointed.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

Resolution Carried

PREVIOUS BUSINESS:

1. A/107/18

**Owner Name: 2602860 Ontario Inc. (Mr Jack Zafran)
Agent Name: Georgio Lolos Designs (Georgio Lolos)
2602860 Ontario Inc.
63 Peter St, Markham
PLAN 3905 LOT 11**

The applicant is requesting relief from the requirements of By-law 99-90, as amended to permit:

a) Infill By-law 99-90, Section 1.2(i):

a maximum building height of 10.78 metres, whereas the By-law allows maximum building height of 9.8 metres;

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

a Net floor area ratio of 51.7 percent, whereas the By-law allows maximum net floor area ratio of 45 percent;

c) Section 6.1:

an accessory dwelling unit (basement apartment), whereas the By-law permits one detached dwelling on the lot;

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

The Secretary-Treasurer introduced the application.

The agent Georgio Lolos appeared on behalf of the application.

Luchia Vena of 67 Peter Street spoke in opposition to the application. It appears the unit has been used as an AirBNB violating municipal rules. There is also concern with the proposed height.

Mr. Lolos indicated that due to grades at site which necessitated the height variance.

Committee member Tom Gutfreund asked about the open to below area.

Mr. Lolos stated that this space will not be used.

Committee member Tom Gutfreund believes this proposed house is too large. He also commented he does not believe the proposal meets the four tests for a minor variance.

Committee member Jeamie Reingold indicated that she concurs with the previous Committee member in his comments on the proposal. She also believes changes to the proposal could be made.

Committee member Arun Prasad also stated floor area could be reduced. He also stated possible deferral to address some of these issues.

Mr. Lolos indicated he needed to confer with his applicant on possible deferral. The roof design could be revised and the floor area ratio.

Ms. Vena asked about 2 bedrooms in the basement.

Committee member Tom Gutfreund asked that revised drawings should be reviewed by Committee.

Manager Brad Roberts stated you can request a lesser variance request where re-notification to public would not be needed. Applicant would need to submit drawings to request changed variance request for building height and net floor area.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/1307/18 be deferred sine die.

Resolution Carried

2. **A/24/19**

Owner Name: Gary S. Weiss
Agent Name: Gary S. Weiss
4 Sunflower Crt, Thornhill
PLAN M899 LOT 39

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

a) Section 2(vi) & Section 12(viii)(a):

a 2nd dwelling unit/basement apartment, whereas the By-law permits no more than one single detached dwelling on each registered lot;

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

a maximum building height of 9.31 metres, whereas the By-law permits a maximum building height of 8.0 metres for a flat roof;

c) Section 14(i)(e):

a minimum rear yard setback of 43 feet 3 inches, whereas the By-law requires a minimum rear yard setback of 50 feet;

d) Section 12(iv)(a):

a minimum front yard setback of 29 feet (8.84 metres), whereas the By-law requires that the front yard of a dwelling be erected between two existing building shall comply with the corresponding yards of the two existing buildings 39.2 feet (11.94 metres);

e) Amending By-law 100-90, Section 1.2(iii):

a maximum building depth of 18.69 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

f) Section 9(i):

a maximum unenclosed/unexcavated roofed porch encroachment of 197 inches (16.37 feet), whereas the By-law permits a maximum encroachment of 18 inches (1.5 feet) into the required front yard;

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

The Secretary-Treasurer introduced the application.

The applicant Gary Weiss appeared on behalf of the application. Due to curved lot, the building depth is calculated differently for this site. His proposal is similar to other new builds in the neighbourhood.

Nazarati Parin of 3 Spirea Court spoke in opposition to the application. He had concerns about the basement apartment and possible tree removal on this site.

The Chair inquired about possible tree removal.

Mr. Weiss responded no trees to be removed except for 2 diseased trees.

Committee member Jeannie Reingold does not feel height variance is appropriate.

Mr. Weiss responded that he spoke with some neighbouring residents regarding his proposal.

Committee member Arun Prasad asked about large tree toward front of property.

Mr. Weiss stated there is one large tree which is diseased so will be removed.

Moved By: Tom Gutfreund

Seconded By: Kelvin Kwok

THAT Application No. A/24/19 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. **B/06/19**

**Owner Name: Box Grove Hill Development Inc. (Silvio DeGasperis)
Agent Name: Tacc Developments (David Stewart)
Box Grove Hill Development Inc. 550 Copper Creek Dr, Markham
PLAN 65M4141 BLK 1**

The purpose of this application is to sever the residential portion of the property from the commercial portion and to create the requisite mutual easements for shared services. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The applicant David Stewart appeared on behalf of the application.

**Moved By: Tom Gutfreund
Seconded By: Arun Prasad**

THAT Application No. B/06/19 be approved subject to conditions contained in the staff report with edit to condition 5.

Resolution Carried

2. **A/15/19**

**Owner Name: Mr Ghulam Mustafa
Agent Name: HNS ENGINEERING INC (SHAJIDUL ISLAM)
5 Balsam St, Markham
PLAN 65M3888 PT LOT 286 RP 65R29400 PART 3**

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

a) Table A1 & Section 6.5:

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;

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 5)**

The Secretary-Treasurer introduced the application.

The agent Shadjidul Islam appeared on behalf of the application. He indicated he will have overnight parking if there is additional vehicle.

Committee member Tom Gutfreund indicated that the City does not permit overnight parking on city streets. He is also concerned with parking not being met.

Committee member Jeamie Reingold unsure if this proposal meets four tests. She asked if there is public transit nearby.

Mr. Islam responded there is on Rouge River.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

THAT Application No. A/15/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/27/19

Owner Name: Rustom Sethna
Agent Name: Barrett Municipal Consulting (Graham Barrett)
107 Wootten Way, Markham
PLAN M1897 LOT 5

The applicant is requesting relief from the requirements of By-law 163-78, as amended to permit:

a) Section 7.2:

a minimum front yard of 4.99 m for a 1 storey building, whereas the By-law requires a minimum of 6.0 m;

b) Section 7.2:

a maximum lot coverage of 37.2 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;

c) Section 7.2:

a minimum side yard setback of 1.71 m for a 2 storey building, whereas the By-law requires a minimum side yard setback of 1.8 m;

d) Section 5.7(b):

an uncovered stair to project 2.21 m into the front yard, whereas the By-law permits a maximum of 1.5 m to project into the required front or rear yard only;

e) Section 5.7:

an uncovered and unenclosed walk-up stair to project 0.47 m into the required side yard, whereas the By-law permits a maximum of 1.5 m to project into the required front or rear yard only;

f) Section 7.2:

one secondary dwelling suite, whereas the By-law permits a Single Family Dwelling;

g) Parking By-law 28-97, Section 6:

a minimum size of parking space of 2.6 m x 5.1 m, whereas the By-law requires 2.6 m x 5.8 m for the 2 required parking space in the existing private garage;

h) Section 5.7(a):

a canopy to project a maximum of 0.48 m into the required yard, whereas the By-law permits a maximum projection of 0.45 m into the required yard;

as it relates to a proposed addition that is under construction and proposed basement apartment. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Graham Barrett requested deferral of application to address issues.

Moved By: Tom Gutfreund

Seconded By: Arun Prasad

THAT Application No. A/27/19 be deferred sine die.

Resolution Carried

4. A/33/19

Owner Name: The Bridge, A Markham Community Church (Brian Childs)

Agent Name: LARKIN + Land Use Planner (Mr Matt Bagnall)

The Bridge, A Markham Community Church 5440 16th Ave, Markham

CON 7 LOT 16 65R26001 PTS 2 AND 5

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

a) Parking Standards By-law 28-97, Table B:

a minimum of 332 parking spaces, whereas the By-law requires a minimum of 438 parking spaces;

as it relates to a proposed expansion to an existing place of worship. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Matt Bagnall appeared on behalf of the application. He indicated it relates to a proposed place of worship for the site. He responded that transportation engineers had conducted studies at the site. There is no building expansion and the church on site is only development proposed. At peak hours, not all parking is being used.

Liz Brown of 65 Lincoln Green Drive made comments to support the application.

Committee member Sally Yan asked about potential errors in staff report.

Mr. Bagnall stated that service will be added at church. However, they will be watching site to ensure sufficient parking. They also used place of worship of zoning requirement to calculate the parking for the site.

Church representative responded that their services are free and no charge. Committee member Jeamie Reingold inquired about shared parking.

Mr. Bagnall responded that shared parking and shuttle service had been looked at.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/33/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/34/19

Owner Name: EDISON CHONG
Agent Name: Thomas Yeung
15 Francesco Crt, Markham
PLAN 65M4464 LOT 9

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

a) Deck By-law 142-95, Section 2.2(b)(i):
a maximum deck projection of 4.98m, whereas the By-law permits a maximum projection of 3.0m;

as it relates to a rear yard deck extension that was built without a building permit.
(Central District, Ward 3)

The Secretary-Treasurer introduced the application.

The agent Thomas Yeung appeared on behalf of the application. He stated he received subsequent letters of support.

Committee member Tom Gutfreund asked if permit had been issued for the deck.

Mr. Yeung responded that his client had not been aware and their contractor had not applied for the deck. They are now making attempts to legalize. Contractor was hired to extend the existing deck.

Committee member Jeamie Reingold stated deck appeared competently design. However, the neighbour in rear has privacy concerns.

Committee member Arun Prasad commented there is an existing deck.
Committee member Tom Gutfreund stated that screening could be appropriate.

Committee member Jeamie Reingold also responded landscape plan be prepared.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/34/19 be deferred sine die.

Resolution Carried

6. A/35/19

Owner Name: 1901642 Ontario Inc. (Mario Colangelo)
Agent Name: 1901642 Ontario Inc. (Mario Colangelo)
1901642 Ontario Inc.
1 Beech St, Markham
PLAN 65R22140 PART LOT 1

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

a) Amending By-law 96-1999, Section 1.5:
a secondary dwelling unit, whereas the By-law does not permit secondary suites;
as it relates to a proposed basement apartment. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The applicant Mario Colangelo appeared on behalf of the application. Mr. Colangelo believes this proposal is consistent with municipal policies.

Committee member Jeamie Reingold inquired about the parking situation on the site.

Mr. Colangelo responded there is parking on site available last 15-16 years.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/35/19 be approved subject to conditions contained in the staff report.


Resolution Carried

MOTION TO ADJOURN

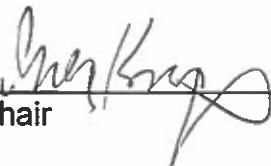
Moved by Arun Prasad
Seconded by Jeamie Reingold

THAT the meeting of Committee of Adjustment be adjourned at 9:20 p.m., and the next regular meeting will be held on May 29, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair