

# Memorandum to the City of Markham Committee of Adjustment

July 12, 2022

**File:** B/003/22, B/006/22, A/031/22, A/039/22, and A/040/22  
**Address:** 18 and 20 Gainsville Avenue, Markham  
**Applicant:** Mina Maseh, Jena Zakhary, and Samia Sahyone  
**Agent:** MMK Engineering Inc (Miral Hanna)  
**Hearing Date:** Wednesday July 20, 2022

The following comments are provided on behalf of the Central Team:

## **Consent Application B/003/22 – 18 Gainsville Avenue (Parts 1 to 6)**

Pursuant to the provisions of Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 7.68 m (25.20 ft) and approximate lot area of 306.66 m<sup>2</sup> (3,300.86 ft<sup>2</sup>) (Parts 2, 4, and 6); and,
- b) retain a parcel of land with approximate lot frontage of 15.36 m (50.39 ft) and approximate lot area of 613.32 m<sup>2</sup> (6,601.72 ft<sup>2</sup>) (Parts 1, 3, and 5).

The purpose of this application is to sever and convey a portion of 18 Gainsville Avenue with the intent to merge this parcel with the severed portion of 20 Gainsville Avenue (B/006/22) to facilitate the creation of one new residential lot. This application is being heard concurrently with consent application B/006/22, and minor variance applications A/031/22, A/039/22, and A/040/22, as detailed below.

## **Consent Application B/006/22 – 20 Gainsville Avenue (Parts 7 to 12)**

Pursuant to the provisions of Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and Ontario Regulation No. 197/96, the applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 7.68 m (25.20 ft) and approximate lot area of 306.66 m<sup>2</sup> (3,300.86 ft<sup>2</sup>) (Parts 7, 9, and 11); and,
- b) retain a parcel of land with approximate lot frontage of 15.36 m (50.39 ft) and approximate lot area of 613.32 m<sup>2</sup> (6,601.72 ft<sup>2</sup>) (Parts 8, 10, and 12).

## **Minor Variance Application A/031/22 – 18 Gainsville Avenue (Building A – Parts 1, 3, and 5)**

The applicant is requesting relief from the requirements of the “Fourth Density Single Family Residential (R4) Zone” under By-law 11-72, as amended, as it

relates to a proposed detached dwelling on the retained lot of 18 Gainsville Avenue (Parts 1, 3, and 5), to permit:

**a) Section 3.7:**

a decorative or ornamental roof that is less than 2 feet 5 inches in height to be disregarded in height calculation, whereas the By-Law does not have any provisions to permit ornamental roof encroachment; and,

**b) Section 6.1:**

a maximum lot coverage of 35 percent, whereas the By-Law permits a maximum of 33-1/3 percent.

**Minor Variance Application A/039/22 – 18 and 20 Gainsville Avenue (Building B – Parts 2, 4, 6, 7, 9, and 11)**

The applicant is requesting relief from the requirements of the “Fourth Density Single Family Residential (R4) Zone” under By-law 11-72, as amended, as it relates to a proposed detached dwelling on the severed lots of 18 and 20 Gainsville Avenue (Parts 2, 4, 6, 7, 9, and 11), to permit:

**a) Section 3.7:**

a decorative or ornamental roof that is less than 2 feet 5 inches in height to be disregarded in height calculation, whereas the By-Law does not have any provisions to permit ornamental roof encroachment; and,

**b) Section 6.1:**

a maximum lot coverage of 35 percent, whereas the By-Law permits a maximum of 33-1/3 percent.

**Minor Variance Application A/040/22 – 20 Gainsville Avenue (Building C – Parts 8, 10, and 12)**

The applicant is requesting relief from the requirements of the “Fourth Density Single Family Residential (R4) Zone” under By-law 11-72, as amended, as it relates to a proposed detached dwelling on the retained lot of 20 Gainsville Avenue (Parts 8, 10, and 12), to permit:

**a) Section 3.7:**

a decorative or ornamental roof that is less than 2 feet 5 inches in height to be disregarded in height calculation, whereas the By-Law does not have any provisions to permit ornamental roof encroachment;

**b) Section 6.1:**

a maximum lot coverage of 35 percent, whereas the By-Law permits a maximum of 33-1/3 percent; and,

**c) Section 3.7:**

an interior (west) setback of 4 feet 2 inches, whereas the By-Law permits a setback of 6 feet.

**Comments**

The Applicant was unable to meet the statutory requirements for sign posting on the subject lands. As such, Staff recommend that the application be deferred sine die to provide the applicant sufficient time to meet the statutory requirements.

PREPARED BY:



---

Melissa Leung, Planner II, Central District

REVIEWED BY:



---

Dimitri Pagratis, Senior Planner, Central District