



CITY OF MARKHAM
Virtual meeting on zoom

March 10, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 4th regular meeting of the Committee of Adjustment for the year 2021 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Jeamie Reingold	7:00PM
Tom Gutfreund	7:00PM
Patrick Sampson	7:00PM
Gregory Knight, Chair	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

Justin Leung, Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Justin Mott, Development Technician
Francois Hemon-Morneau, Development Technician

DISCLOSURE OF INTEREST

-None

Minutes: February 17, 2021

THAT the minutes of Meeting No. 3 of the City of Markham Committee of Adjustment, held February 17 respectively, be

- a) Approved as submitted, on March 10, 2021

Moved By: Tom Gutfreund

Seconded By: Arun Prasad

PREVIOUS BUSINESS

1. **A/122/20**

**Owner Name: Armdale Property Management (Peter Sestito)
Agent Name: Malone Given Parsons (Jennifer Le)
100 Renfrew Drive, Markham
PLAN 65M2355 PT LOTS 1,2,3,4 65R11319 PT 1**

The applicant is requesting a waiver of the minor variance application fee.

The owner Victor Kwong was in attendance at the meeting. He reiterates that they had previously had a variance approval to allow for overnight stay for clients to their health type centre. Due to difficulties with the current pandemic, they would request an application fee waiver.

The Chair stated that a staff report was prepared on the request.

Committee member Tom Gutfreund reference the Planning Act as it relates to collection of fees. He indicates that they could have, 30 days after payment of fee, appealed to the Local Planning Appeal Tribunal (LPAT) to protest the fee, which does not appear to have occurred here. He further referenced that the municipal Planning Dept. collects the fees to assist in its operating budget.

Committee member Patrick Sampson inquired if committee decision to approval the original 2018 variance application, in opposition to staff recommendation, would act to recommend staff comments in relation to this matter.

Committee member Arun Prasad stated such requests are rare and typically not supported by the Committee.

The Chair raised concern about potential precedent with such requests. He understands difficulties with small business but there are grant programs available.

Move that the fee waiver be refused

**Moved by Tom Gutfreund
Seconded by Arun Prasad
Sally Yan, Jeamie Reingold and Kelvin Kwok support
Patrick Sampson opposed**

Resolution carries

2. **A/84/16**

Owner Name: 2101125 Ontario Ltd. (Kirupakaran Ehamparam)
Agent Name: Blackthorn Development Corp. (Maurizio Rogato)
2101125 Ontario Ltd.
7543 Kennedy Rd, Markham
CON 6 PT LT 4 65R16696 PTS 1 & 2

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

a) Amending By-law 2007-69, Section 7.50.3 (b)(i):

a maximum of two (2) Medical Clinics, whereas the By-law only permits a maximum of one (1);

b) Amending By-law 2007-69, Section 7.50.3 (b)(ii):

a maximum Net Floor Area of 286.80 sq. m, whereas the By-law permits a maximum of 270 sq. m;

c) Amending By-law 2007-69, Section 7.50.2 (e):

a maximum Gross Floor Area of 590.90 sq. m, whereas the By-law permits a maximum gross floor area of 430 sq. m;

d) Amending By-law 2007-69, Section 7.50.3 (iv):

a minimum landscape strip of 1.029 m along the south lot line, whereas the By-law requires a minimum of 1.4m;

e) Parking By-law 28-97, Section 3.0, Table B:

a minimum of 12 parking spaces, whereas the By-law requires a minimum of 14 parking spaces;

as they relate to a proposed medical building. This application is also related to Site Plan Application SC 05 021528. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

Resident Le May of 11 Highglen Avenue spoke in opposition to the application. He is concerned about the impact of the proposal being introduced here. He is concerned about where snow would be placed during the winter time.

Resident Yan Kaiming of 7 Highglen Avenue spoke in opposition to the application. He has concerned about increased traffic as a result of this proposal.

Committee member Tom Gutfreund asked about the proposed fencing for subject property.

The agent Mr. Rogato stated that he believes the same residents who had participated in this matter in 2018 are participating again. Landscape treatment is on the site to create distance from waste removal. In terms of snow removal, they have

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prepared a preliminary plan for this which was accepted by City Engineering staff. They have also prepared a preliminary landscape plan. The fencing will be done to appropriately screen neighbouring residents from this subject property.

Committee member Jeamie Reingold commented she believes the proposal has been sufficiently revised since 2018 when it was deferred.

Committee member Sally Yan inquired about vehicles transiting the site and if that issues had been assessed.

Mr. Rogato respond that it is an issue and they did undertake a traffic study for the site and in relation to the subject proposal.

Resident Le Ma raised concern about the medical type waste that could be produced.

Resident Yan Kaiming stated his neighbor, who was not in attendance, requested he also indicate he is concerned with the proposal.

Committee member Tom Gutfreund commented he believes that this development type is already established at this property. He states that the applicant has made best attempts to refine the proposal.

Committee member Jeamie Reingold asked about the number of medical practitioners would be operating here.

Mr. Rogato indicated one practitioner per clinic but that could potentially change in future.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson
Jeamie Reingold and Kelvin Kwok support
Sally Yan opposed
Arun Prasad not in attendance

THAT Application No A/84/16 be approved subject to conditions contained in the staff report.

Resolution Carried

3. B/07/18

Owner Name: Lui Hui
Agent Name: In Roads Consultants (Ida Evangelista)
14 Ramona Blvd, Markham
CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2

To permit:

- a) sever and convey a parcel of land with approximate lot frontage of 7.9 m² and area of 569.11 m² (Part 1);
- b) retain a parcel of land with approximate lot frontage of 27.67 m and area of 1057 sq. m (Part 2).

The purpose of this application is to create a new residential lot. This application is related to minor variance applications A/95/18 and A/96/18. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Ida Evangelist appeared on behalf of the application. They had deferred the application to revise the proposal and speak with residents. They had also hired a heritage planner to assist with the proposal.

Councillor Karen Rea stated that the staff report does outline in detail the history of the proposal. She has spoken with the agent on the proposal as well. She believes the application should be deferred. It was indicated that at Heritage Markham advisory committee, the committee members were unable to reach a decision/position on this proposal.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She referenced the staff report which went to Heritage Markham advisory committee where staff did not support severance of the property. She also discussed landscape plan for the proposal and if it is sufficient to address tree issues on site.

Committee member Tom Gutfreund indicated he does not support the severance application. He stated that there is a heritage structure here which he would give consideration in assessing the severance request.

Committee member Patrick Sampson asked about the coach house on site. He stated he is not in support of the application.

Ms. Evangelist responded that it is currently for storage.

Committee member Sally Yan stated that this is a heritage property and there are unique attributes to consider and preserve. This severance would not be acting to do that.

The Chair commented that there had been a previous severance in the area. He comments that the severance would not be inconsistent with the lotting fabric of the area but the house sittings appear to be problematic.

Ms. Evangelista inquired that another severance had been approved in the area and questions why this severance should not be approved?

She further commented that there will be tree removal will occur but there will be mitigating methods implemented. She believes this large size lot can accommodate a severance for additional lot and house.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok
Jeamie Reingold, Sally Yan and Arun Prasad supported
Tom Gutfreund opposed

THAT Application No B/017/18 be deferred sine die

Resolution Carried

4. A/95/18

Owner Name: Lui Hui
Agent Name: In Roads Consultants (Ida Evangelista)
14 Ramona Blvd, Markham
CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2

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

- a) Section 11.1:**
a lot frontage of 26 feet, whereas the By-law requires a minimum lot frontage of 60 feet;
- b) Section 11.1:**
a minimum lot area of 6,125 sqft, whereas the By-law requires a minimum lot area of 6,600 sqft;
- c) Section 11.1:**
a minimum rear yard of 23 feet and 3 inches, whereas the By-law requires 25 feet;
- d) Parking By-law 28-97, Section 6.2.4.4 a) i):**

a driveway to be located 1 feet 6 inches from an interior side lot line, whereas the By-law requires a minimum setback of 4 feet;

as it relates to a proposed single family dwelling (Part 1). This application is related to consent application B/07/18 and minor variance application A/96/18.
(Heritage District, Ward 4)

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson

Seconded By: Kelvin Kwok

Sally Yan and Gregory Knight supported

Jeamie Reingold, Tom Gutfreund, and Arun Prasad opposed

THAT Application No A/95/18 be deferred sine die

Resolution Carried

5. A/96/18

Owner Name: Lui Hui

Agent Name: In Roads Consultants (Ida Evangelista)

14 Ramona Blvd, Markham

CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 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 (vi):

a maximum floor area ratio of 45.52 percent, whereas the By-law permits a maximum of 45 percent;

b) Section 11.3 (a)(i):

an accessory building to have a height of 17 feet, whereas the By-law permits a maximum of 12 feet;

c) Table 11.1:

a minimum front yard of 12.27 feet, whereas the By-law requires 25 feet; as it relates to a proposed detached garage addition to the existing residential dwelling (Part 2).

This application is related to consent application B/07/18 and minor variance application A/95/18. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok
Sally Yan and Gregory Knight supported
Arun Prasad, Jeemie Reingold and Tom Gutfreund opposed

THAT Application No A/96/18 be deferred sine die.

Resolution Carried

6. A/130/20

Owner Name: Jian Li
Agent Name: Gregory Design Group (Shane Gregory)
50 George St, Markham
PLAN 18 PT LOT 5 BLK K

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

- a) Section 1.2 (iii):**
a building depth of 23.50 m, whereas the By-law allows a maximum building depth of 16.76 m;
- b) Section 1.2 (vi):**
a net floor area ratio of 45.3 percent, whereas the By-law allows a maximum net floor area ratio of 45 percent;

as it relates to a proposed two-storey addition with attached garage to the existing one-storey detached dwelling. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application.

Committee member Patrick Sampson supports the proposal.

Committee member Tom Gutfreund also indicated support of proposal.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/130/20 be approved subject to conditions contained in the staff report.

Resolution Carried

7. B/017/20

Owner Name: Angus Glen Holdings Inc
Agent Name: Fasken Martineau (Joseph Guzzi)
Angus Glen Holdings Inc
10231 Warden Ave, Markham
CON 5 PT LTS 22 & 23 65R19400 PT OF PTS 4 & 5

To permit:

- a) sever and convey a parcel of land with an approximate lot frontage of 162.45 m (532.74 ft) and approximate lot area of 13.38 ha (Parts 2 to 9, Stiver West Lands);
- b) retain and/or convey a parcel of land with an approximate lot area of 28.23 ha (Part 1, Stiver East Lands);
- c) establish an easement for access for the benefit of the Stiver East Lands over the adjoining Angus Glen South Course Lands (Part 10).

The purpose of this application is to create two parcels of agricultural land. This application is related to minor variance A/116/20. **(North Markham District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Neil Smiley appeared on behalf of the application. The severance will result in 2 parcels which will continue to be agricultural use. Farming will continue until development potential occurs later on. However, development will not occur until sufficient street access is achieved as well.

Committee member Jeamie Reingold recognizes the intention of the applications.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No B/017/20 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/116/20

Owner Name: Angus Glen Holdings Inc
Agent Name: Fasken Martineau (Joseph Guzzi)
Angus Glen Holdings Inc
10231 Warden Ave, Markham
CON 5 PT LTS 22 & 23 65R19400 PT OF PTS 4 & 5

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

a) Section 2:

to permit a lot without frontage on a street, whereas the By-law defines a lot as a parcel of land fronting on a Street;

b) Section 6.3(a):

to permit a lot frontage of 0 metres, whereas the By-law requires a lot frontage of 120 metres;

as it relates to a proposed severance to create a new agricultural lot. This application is related to consent application B/017/20 (Part 1, Stiver East Lands). **(North Markham District, Ward 6)**

The Secretary-Treasurer introduced the application.

Moved By: Jeamie Reingold

Seconded By: Arun Prasad

THAT Application No A/116/20 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/143/20

Owner Name: John Jamieson
Agent Name: RH Carter Architects Inc (Phil Frederickson)
4600 7 Hwy, Markham
PLAN 65M2100 BLK 17

The applicant is requesting relief from the requirements of By-law 134-79 and 122-72 as amended to permit:

- a) **By-law 261-86, Section 1.3(b)(vi):**
a 4 m landscaped open space, whereas the By-law permits 6 m;
- b) **By-law 93-81, Section 2(c)(vi)(a):**
a 4 m landscaped open space, whereas the By-law permits 9 m;
- c) **By-law 28-97, Section 3.0:**
102 parking spaces, whereas the By-law requires 106 spaces;

as it relates to a new 2 storey motor vehicle sales and service facility.
(Central District, Ward 3)

The Secretary-Treasurer introduced the application.

The agent Jim Baird appeared on behalf of the application. The auto use is permitted at this site. This is for a relocated Ford auto dealership. There is a heritage building on site which will be retained.

Shan Qi of 40 Denby Court spoke in opposition to the application. The office being proposed will have windows facing their property. They also have concerns about how site garage generated will be handled.

Architect Phil Frederickson stated that there will be limited windows on the second floor office space. He also showed a sun shade study they prepared for this proposal.

The Chair stated there is no variance for building height.

Committee member Tom Gutfreund asked if on site off-loading of vehicles would occur here.

The owner Craig Riley indicated they have another site for storage of vehicles.

Committee member Kelvin Kwok asked about the movement of vehicles on site.

Mr. Baird responded that a study and analysis had been conducted regarding this.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No A/143/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/136/20

Owner Name: Paul & Stephanie Helewa
Agent Name: David Small Designs (Julie Odanski)
27 Woodside Crt, Markham
PLAN 9143 LOT 30

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

- a) Section 1.2 (i):**
a maximum building height of 10.23m, whereas the By-law permits a maximum building height of 9.8m;
- b) Section 1.2 (iii):**
a maximum building depth of 22.90m, whereas the By-law permits a maximum building depth of 16.8m;
- c) Section 1.2 (vi):**
a maximum floor area ratio of 51.78 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as it relates to a proposed 2-storey addition and covered porch. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Peter Giordano appeared on behalf of the application. Three variance requests are to be considered. A second storey addition to the house is proposed. No setback variances are being requested. They had spoken with the local councilor on the proposal as well.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She is concerned with the massing of the building.

Committee member Jeamie Reingold stated that the overall scale of the house does not appear to have changed. The proposal appears appropriate in its current form. She inquired about the trees on site.

Mr. Giordano responded 3 trees are to be removed which are not subject to tree permit process. In addition, 4 trees will be added on the site as well.

Ed Keiper of 24 Woodside Court spoke in support of the application. He does not believe it will be incompatible for the area.

Committee member Sally Yan believes the addition is an appropriate built form.

David Shaw of 17 Woodside Court believes the agent present has addressed all pertinent issues and supports the application.

Brian Wong of 25 Woodside Court spoke in opposition to the application. He was concerned about potential construction impact to his property.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/136/20 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/145/20

Owner Name: Rameshgaran Thirunavukarasunter
Agent Name: Varatha Design Associates (Ken Varatha)
13 Bluebell Dr, Markham
PLAN 65M3038 LOT 73

The applicant is requesting relief from the requirements of By-law 90-91 as amended to permit:

a) Section 5.2.1:

2 unit dwelling, whereas the By-law permits a single family dwelling;

as it relates to the proposed basement apartment and walk up stair. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Committee member Arun Prasad asked if there are potential parking issues.

The agent Ken Varatha appeared on behalf of the application.

Mr. Varatha responded there are none.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No A/145/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/003/21**

Owner Name: William Gunton
Agent Name: SHDESIGN (randa zabaneh)
2 Talisman Cres, Markham
PLAN 4877 LOT 4

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 ~~10.249.90~~ metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 20.50 metres, whereas the By-law permits a maximum depth of 16.9 metres;
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.43 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

as it relates to a new single detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Samir Hanawi appeared on behalf of the application. He argues that the four tests for minor variance are met with this proposal.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. While she appreciates the design proposed, she still has concerns about the overall variance requests.

Committee member Tom Gutfreund believes the proposal would be compatible for the neighbourhood.

Committee member Jeamie Reingold agrees with comments of previous COA member on this proposal. She does reference a resident comment that had been previously submitted.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/003/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/007/21**

Owner Name: Om Lasi
Agent Name: Gregory Design Group (Shane Gregory)
19 George St, Markham
PLAN 18 PT BLK H

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

- a) **Section 6.1:**
an accessory dwelling unit, whereas the By-law does not permit the use;
- b) **Section 11.2(c)(i):**
unenclosed stairs to encroach 63 inches into the required rear yard, whereas the By-law permits a maximum of 18 inches;
- c) **Table 11.1:**
a minimum rear yard of 23 feet 11 inches, whereas the By-law requires 25 feet (right unit);
- d) **Parking By-law 28-97, Section 3, Table A:**
two parking spaces, whereas the By-law requires three spaces;

as it related to a proposed basement apartment and walk-up stairs at the rear of the building. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. This property had planning applications submitted previously. They are now submitting this application to permit a basement apartment.

Rita Hughes of 20 Franklin Street spoke on the application. She wanted clarification relating to the application.

Mr. Gregory indicated that the City has a variance process for secondary suites, while it is mandated by the provincial government.

Anna Rose spoke on the application. She is concern about potential tree removal at the site.

Mr. Gregory responded that no trees are being removed from the rear of the property. A tree preservation plan was prepared here as well.

Committee member Sally Yan believes proposal meets four tests for minor variance and would support the proposal.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

THAT Application No A/007/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/009/21

Owner Name: Tricap Properties (Youssef Jomana)
Agent Name: MHBC Planning (Edward Donato)
Tricap Properties
8502 Woodbine Ave, Markham
CON 3 PT LT 10 65R17970 PT 7

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

- a) By-law 28-97, Section 3.0:**
a minimum of 17 parking spaces, whereas the By-law requires a minimum of 50 parking spaces;

as it relates to a proposed restaurant. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

Moved By: Kelvin Kwok
Seconded By: Tom Gutfreund

THAT Application No A/009/21 be deferred sine die.

Resolution Carried

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Adjournment

Moved by Patrick Sampson
Seconded by Jeamie Reingold

THAT the virtual meeting of Committee of Adjustment be adjourned 10:25 PM, and the next regular meeting will be held March 24, 2021.



Secretary-Treasurer,

CARRIED



Chair