



CITY OF MARKHAM
Virtual meeting on zoom

October 20, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 19th 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, Acting Chair	7:00PM
Patrick Sampson	7:00PM
Arun Prasad	7:00PM
Kelvin Kwok	7:00PM

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

Regrets

Gregory Knight
Sally Yan

DISCLOSURE OF INTEREST

Minutes: October 6, 2021

THAT the minutes of Meeting No. 18 of the City of Markham Committee of Adjustment, held October 6, 2021 respectively, be

- a) Approved as submitted, on October 20, 2021

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

PREVIOUS BUSINESS:

1. B/010/20

**Owner Name: Vaultra Storage (30 Heritage Developments Limited Partnerships Inc.) (Shawn Shanmuganathan)
Agent Name: Malone Given Parsons Ltd (Elyse Holwell)
30 Heritage Road, Markham
CON 7 PT LT 11**

For provisional consent to:

- a) sever and convey a parcel of land (Parcel A) with an approximate lot frontage of 53.20 m (174.54 ft) and approximate lot area of 0.48 hectares (1.2 acres);
- b) retain a parcel of land (Parcel B) with an approximate lot frontage of 73.5 m (241.14 ft) and approximate lot area of 0.7 hectares (1.72 acres);
- c) to establish an access easement with an approximate area of 0.08 hectares (0.21 acres) in favour of Parcel B;
- d) to establish a servicing easement with an approximate area of 0.05 hectares (0.13 acres) in favour of Parcel A; and,
- e) to establish an access easement over Parcel B in favour of Parcel A.

The purpose of this application is to create a new commercial lot for a proposed 6-storey commercial self-storage building. This application is also related to Site Plan Control and Zoning By-law Amendment Applications SPC/PLAN 20 106216. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Matthew Cory appeared on behalf of the application. He concurs with the staff recommendations for this consent application.

Committee member Kelvin Kwok asked about the blanket easement and if it related to traffic related issues.

Mr. Cory responded and acknowledged this. It is to maintain access in northern portion of the property. The applicant had been previously deferred so that issues with the related site plan and rezoning applications were addressed first.

**Moved By: Kelvin Kwok
Seconded By: Patrick Sampson**

THAT Application No B/010/20 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/009/21

Owner Name: Tricap Properties (Youssef Jomana)
Agent Name: MHBC Planning (Edward Donato)
8502 Woodbine Avenue, 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 43 parking spaces;

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

The Secretary-Treasurer introduced the application.

The agent Oz Kemal appeared on behalf of the application. His client wants to convert a former electronics store to a restaurant. They had deferred their application to complete the Zoning Preliminary Review and to speak with adjacent property-owners on this proposal. His client is willing to put up ornamental type fencing to ensure vehicles do not cross into adjacent properties. They would also be willing to have a parking arrangement agreement with neighbouring properties.

Michael Testaguzza, representing adjacent property-owner, spoke on the application. With the applicants parking study, he does not believe it references if sufficient parking is provided for the proposed restaurant use.

David Baffa, also representing this property-owner, spoke on the application. There is also a fitness centre at the site which has been closed due to pandemic. As such, certain assumptions of the parking study are inaccurate.

Committee member Arun Prasad asked why this parking variance is needed.

Mr. Kemal responded that there is no space to provide additional parking for this restaurant use. The current building on site is not being altered or expanded. They are not proposing to park on the adjacent properties. He further stated that his client is willing to actively police the parking situation here.

Committee member Kelvin Kwok asked about parking utilization.

David Angelakis, traffic consultant, indicates that he believes there is actually a higher parking surplus than is not immediately discernable. He believes the measures they have proposed will prevent patrons parking on adjacent property's parking spaces.

The Chair stated that signage and policing does not appear viable options.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No A/009/21 be refused.

Resolution Carried

3. A/035/21

Owner Name: Neil Tenn and Catherine Elizabeth Tom
Agent Name: Neil Tenn
8 Weidman Lane, Markham
PLAN 65M4454 PT BLK 1 RP 65R35904 PT 51

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

a) By-law 177-96, Section 6.2.1 b) iii):

a deck to be located at the second storey, whereas the By-law requires that the floor of the deck is not higher than the floor level of the first storey of the main building; and

b) By-law 177-96, Section 6.2.1 b):

a deck with a maximum projection of 3.05 m (10.0 ft) from the wall closest to the rear lot line, whereas the By-law permits a deck with a height greater than 1.0 m (3.28 ft) above the lowest ground surface to extend a maximum of 3.0 m (9.84 ft) from the wall closest to the rear lot line;

as it relates to an existing deck that was built without a permit. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The owner appeared on behalf of the application. The application had been deferred so that an additional variance could be identified and included.

Committee member Jeamie Reingold noted that this deck had initially been constructed without meeting municipal requirements. Now they are applying for minor variance to legalize this deck.

The Chair stated that there appears to be several decks of this type in this neighbourhood. He asked if a By-law passed by the City to permit this for the neighbourhood may be more appropriate.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No A/035/21 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. B/018/21

Owner Name: Boxwood Commercial East Inc. (Adam Hawkswell)
Agent Name: SmartCentres (Adam Hawkswell)
500 Copper Creek Drive, Markham
65M4141 PT BLK 1 RP 65R38497 PARTS 2 TO 4 AND 21

For provisional consent to:

- a) sever a parcel of land with an approximate lot frontage of 63.29 m (207.64 ft) and an approximate lot area of 5608 sq m (60364 sq ft) (Part 1,6,7,8,9,14,15,17,18,19);
- b) retain a parcel of land with an approximate lot frontage of 61.71 m (202.46 ft) and an approximate lot area of 74432 sq m (801179 sq ft) (Part 2,3,4,5,10,11,12,13,16).

The purpose of this application is to sever (Part 1,6,7,8,9,14,15,17,18,19) 500 Copper Creek Drive Part of Block 1, Registered Plan 65M-4141 to facilitate the construction of a 4-storey self storage facility, and to establish servicing and shared access easements on the site. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Adam Hawkswell appeared on behalf of the application. He stated they were requesting that condition 7 be removed by the Committee.

Robert McKone, resident of 143 Smoothwater Terrace, raised concerns about the storage facility and its proposed height.

Committee member Jeamie Reingold stated the storage facility had already been approved in other planning applications and this is for severance only. She did note there could be architectural and landscape treatment to improve its condition as it relates to adjacent properties.

Mr. Hawkswell responded that these issues have been looked at through the site plan application.

Jae Trusdell of SmartCentres stated they want condition 7 removed as they want to address changes in property ownership first.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No B/018/21 be approved subject to conditions contained in the staff report, with the removal of condition 7.

Resolution Carried

2. A/002/21

Owner Name: MAHIN SOHEILI
Agent Name: Eden Engineering & Design Inc. (Albert Yerushalmi)
8 Holsworthy Crescent, Thornhill
PLAN M1443 E PT LOT 285 RS66R6720 PART 4

The applicant is requesting relief from the requirements of By-law 2612 as amended to permit:

- a) By-law 2612, Section 4.1 & 5.2 (b):**
an accessory dwelling unit (basement apartment) within an existing semi-detached dwelling; whereas, the By-law permits no more than one semi-detached dwelling unit on a lot;

as it relates to a proposed secondary suite (basement apartment). **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

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The agent Albert Yerushalmi appeared on behalf of the application.

Lucia Liu of 10 Holsworthy Crescent asked for details of the application.

Mr. Yerushalmi responded no new construction is being proposed.

Committee member Arun Prasad asked if the owner resides here. Mr. Yerushalmi responded it is a senior lady who currently lives there.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No A/002/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/132/21

Owner Name: Santosh Ravindranath
Agent Name: vin engineering inc (Sunil Shah)
125 Lawrence Pilkington Avenue, Markham
PLAN 65M4427 PT LOT 58 RP 65R35881 PT 4

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

- a) By-law 177-96, Section 7.190.1 a) ii):**
an accessory basement apartment, whereas the By-law permits an accessory dwelling unit above the garage;

as it relates to a basement apartment. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Sunil Shah appeared on behalf of the application.

Committee member Patrick Sampson asked if a coach house would occur later. Mr. Shah stated he is not aware of this.

Mr. Sampson then referenced 38 Milroy Lane's Ontario Land Tribunal (OLT) decision that you could have 3 units, and how it would relate to this proposal.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/132/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/138/21

Owner Name: Jagjot Singh
Agent Name: HJ Architects Inc (Joanne Ying)
163 Russell Jarvis Drive, Markham
PLAN 65M3420 LOT 57

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

- a) By-law 177-96, Section 6.5:**
a second dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;
- as it relates to a proposed secondary suite (basement apartment). **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The owner appeared on behalf of the application. They are expecting a child in 2022 and would want this unit completed before then. They have sufficient parking on the site for the secondary suite as well.

Committee member Arun Prasad asked about dimension of the stairs.
The agent Ms. Joanne Ying indicated 900 mm.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No A/138/21 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/142/21**

Owner Name: Yinghua Yu
Agent Name: LHW Engineering (Lihang Wang)
44 Delancey Crescent, Markham
PLAN 65M2270 PT LTS 159,160 65R7795 PT 25

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

- a) By-law 134-79, Section 6.1:**
an accessory dwelling unit (basement apartment) within an existing single-family dwelling; whereas, the By-law permits one single-family detached dwelling unit on a lot;

as it relates to a proposed secondary suite (basement apartment). **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Lihang Wang appeared on behalf of the application. They are looking to obtain MV approval first before proceeding to building permit.

Committee member Kelvin Kwok asked about who is residing there.
Mr. Wang respond there is a couple there but there will be sufficient parking on site.

Moved By: Kelvin Kwok
Seconded By: Arun Prasad

THAT Application No A/142/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. **A/148/21**

Owner Name: Damien Bonaventure
Agent Name: Gregory Design Group (Shane Gregory)
17 Talisman Crescent, Markham
PLAN 65M2270 PT LTS 159,160 65R7795 PT 25

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

- a) **By-law 1229, Section 1.2 (vi):**
a maximum floor area ratio of 51.21 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
 - b) **By-law 1229, Section 1.2 (iii):**
a maximum depth of 19.02 m, whereas the By-law permits a maximum depth of 16.80 m;
 - c) **By-law 1229, Section 6.1:**
a secondary dwelling unit, whereas the By-law permits one dwelling unit;
- as it relates to proposed detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application. The building depth is not substantially different from what the Zoning By-law permits. The secondary suite will not have a kitchen. He was able to speak to one of the residents who had submitted written comments and was able to address their concerns.

John Nasr of 19 Talisman Cres spoke on the application. They support it but raised concern with water drainage in the neighbourhood.

Mr. Gregory stated they placed the garage in current location to address potential drainage issues on the site. They also have to work with Engineering staff for an approved drainage plan.

Mr. Nasr is concerned about the cumulative impact of variance requests.

Committee member Jeamie Reingold stated she believes the house, as proposed, is complimentary for this neighbourhood.

Committee member Patrick Sampson accepted Ms. Reingold's comments but raised potential issue of 'creep' or gradual increase in minor variance approvals in this area.

The Chair asked if the floor area ratio variance request could be decreased.

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Committee member Kelvin Kwok asked if the rooftop garden is included as part of floor area ratio calculation. Mr. Gregory responded that it is not.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No A/148/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/149/21

Owner Name: Minto Communities Inc. (Anderson Marques)
Agent Name: Minto Communities Inc. (Anderson Marques)
9492 Kennedy Road, Markham
CON 5 PT LOTS 16 TO 18 AND 6538622 PARTS 1 TO 26, 29, 33, 35 TO 49

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

- a) **Amending By-Law 2020-66, Section 7.620.1 b) ii):**
a minimum rear yard of 0.6 metres for all storeys; whereas the By-law requires a minimum rear yard of 2.4 metres to all storeys above the first storey;

as it relates to a proposed residential development, applicable to 80 lots within this development. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The applicant appeared on behalf of the application. The proposal relates to the rear lane detached dwellings as part of a residential development. Some of the units here are actually registered. Mr. Marques stated that this is a technical oversight during the rezoning application process.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT Application No A/149/21 be approved subject to conditions contained in the staff report.

Resolution Carried

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Adjournment

Moved by Jeamie Reingold
Seconded by Arun Prasad

THAT the virtual meeting of Committee of Adjustment be adjourned 9:20 PM, and the next regular meeting will be held November 10, 2021.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair