



CITY OF MARKHAM
Virtual Meeting on Zoom

October 18, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 18th regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 pm
Tom Gutfreund	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Kelvin Kwok	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Erin O'Sullivan, Development Technician
Deanna Schlosser, Senior Planner

Regrets

None

DISCLOSURE OF INTEREST

None

Minutes: September 27, 2023

THAT the minutes of Meeting No. 17, of the City of Markham Committee of Adjustment, held September 27, 2023 respectively, be:

- a) Approved on October 18, 2023.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

Carried

REQUESTS FOR DEFERRAL

1. B/032/23

**Owner Name: Farook Abdul
Agent Name: Cantam Group Ltd. (Yaso Somalingam)
44 Rouge Street, Markham
PLAN 173 BLK L LOT 12**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 15.09 metres (49.51 feet) and an approximate lot area of 454.90 square metres (4,896.5 square feet) (Part 1);
- b) retain** a parcel of land with an approximate lot frontage of 15.03 metres (49.31 feet) and an approximate lot area of 454.0 square metres (4,886.82 square feet) (Part 2);

to facilitate the severance of the Subject Property to create one (1) new residential lot.

This application was related to Minor Variance Application A/154/23 and A/155/23.

Yaso Somalingam the applicant attended the meeting and requested deferral.

Member Gutfreund motioned for deferral.

**Moved by: Tom Gutfreund
Seconded by: Kelvin Kwok**

THAT Application No. **B/032/23** be **deferred** sine die.

2. A/154/23

**Owner Name: Farook Abdul
Agent Name: Cantam Group LTD. (Yaso Somalingam)
44 Rouge Street, Markham
PLAN 173 BLK L LOT 12**

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

- a) By-law 1229, Table 11.1:**

a front yard setback of 19.94feet (6.08metres), whereas the by-law requires a minimum of 25feet;

b) By-law 1229 Section 11.2 (c)(i):

a porch with stairs to encroach 79.4 inches into a flankage yard, whereas the by-law permits a maximum of 18 inches;

c) By-law 1229, Table 11.1:

a rear yard setback of 23.85 feet, whereas the by-law requires a minimum of 25 feet;

d) By-law 1229, Table 11.1:

a lot area of 454.90 square metres (4895.43 square feet), whereas the by-law requires a minimum of 613.16 square metres (6600 square feet);

e) By-law 1229, Table 11.1:

a lot frontage of 15.09 metres (49.51 feet), whereas the by-law requires a minimum of 60 feet;

f) By-law 99-90 Section 1.2 (vi):

a maximum floor area ratio of 69.50 percentage, whereas the by-law permits a maximum of 45percentage;

g) By-law 1229, Table 11.1:

a lot coverage of 36.8 percentage, whereas the by-law permits a maximum of 35percentage;

as it related to a proposed two-storey residential dwelling on the severed lot (Part 1).

This application was related to Consent Application B/032/23 which was being reviewed concurrently.

Yaso Somalingam the applicant attended the meeting and requested deferral.

Member Kwok motioned for deferral.

Moved by: Kelvin Kwok
Seconded by: Sally Yan

THAT Application No. **A/154/23** be **deferred** sine die.

Resolution Carried

3. A/155/23

Owner Name: Farook Abdul

Agent Name: Cantam Group LTD. (Yaso Somalingam)
44 Rouge Street, Markham
PLAN 173 BLK L LOT 12

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

- a) **By-law 1229, Table 11.1:**
a lot area 454.0 square metres (4886.5 square feet), whereas the by-law requires a minimum of 613.16 square metres (6600 square feet);
- b) **By-law 1229, Table 11.1:**
a lot frontage of 15.03 m (49.31 feet), whereas the by-law requires a minimum of 18.28 (60 feet);
- c) **By-law 99-90, Section 1.2(iii):**
a depth of 17.91 metres, whereas the bylaw permits a maximum of 16.8 metres;
- d) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 57.78 percent, whereas the by-law permits a maximum of 45 percent;
- e) **By-law 1229, Table 11.1:**
a rear yard setback of 14.7 feet, whereas the by-law requires 25 feet;

as it related to a proposed addition to the existing dwelling on the retained lot (Part 2).

This application was related to Consent Application B/032/23 which was being reviewed concurrently.

Yaso Somalingam the applicant attended the meeting and requested deferral.

Member Kwok motioned for deferral.

Moved by: Kelvin Kwok

Seconded by: Patrick Sampson

THAT Application No. **A/155/23** be **deferred** sine die.

Resolution Carried

NEW BUSINESS:

1. **A/128/23**

Owner Name: Elsa Corsetti

Agent Name: Napa Design Group Inc. (Lou Parente)
16 Forest Park Crescent, Thornhill
PLAN M1325 LOT 65

The applicant was requesting relief from the requirements of By-law 2237, as amended, to permit:

a) By-law 2237, Section 6.1:

maximum lot coverage of 41.67percentage (3,331 square feet), whereas the by-law permits a maximum lot coverage of 33.33percentage (2,664 square feet);

as it related to the reconstruction of a 1.5-storey detached dwelling

The Chair introduced the application.

The agent, Graig Uens, appeared on behalf of the application. Graig provided an overview of the property's history and the context of the neighbourhood and gave a presentation detailing the design elements of the house.

Member Gutfreund supported the application, noting that the proposed house was only marginally larger than the house destroyed by fire and met the four tests of the *Planning Act*. Member Gutfreund indicated that the application was both minor and desirable in that it fit the neighbourhood's character and was accepted through heritage staff review.

Member Reingold agreed with their colleague, specifying that the design elements of the proposed home minimized massing and were compatible with the adjacent heritage area.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/128/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/153/23

Owner Name: Sonia Cacciocarro
Agent Name: Sonia Cacciocarro
11 John Anthony Drive, Markham
65M4690 LOT 21

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

- a) **By-law 177-96; Section 6.2.1 a) i)**: a rear yard deck setback of 0.9 metres; whereas, the by-law requires a deck to be no closer than 3.0 metres to the rear lot line;

as it related to a deck addition.

The Chair introduced the application.

The agent, Piero Staletaro, and the owner, Sonia Cacciaccaro, appeared on behalf of the application.

Member Yan confirmed with the applicant that the property backed onto the park at the rear and indicated that the proposal would not impact the adjacent properties and provided appropriate amenity space for the homeowner. Member Yan supported the application and indicated that the proposal met the four tests of the Planning Act,

Member Gutfreund confirmed that the height of the new deck would be the same as the existing deck. Member Gutfreund had no objections and supported the application.

Member Prasad agreed with their colleagues and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/153/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/104/23

Owner Name: Markham Commercial Centre Ltd. (Sandy Minuk)
Agent Name: Weston Consulting (Jacob Lapointe)
55 East Valhalla Drive, Markham
PLAN 65M2326 LOT 7

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

- a) **By-law 165-80, Section 4.4.2.3(b):**
one vehicular access proposed from Highway 7, whereas access ramps (entrance and exits ramps) and driveways to any parking area shall not be permitted off any arterial road or provincial highway as designated in the Official Plan of the Markham Planning Area, where such access can be provided from an alternative street,
- b) **By-law 165-80, Section 4.5.1(a)(i):**
6 loading spaces, whereas the by-law requires 9 loadings spaces;
- c) **By-law 165-80, Section 4.6.2:**
a setback of 29 metres (95.1 feet) from the centre line of Highway 7, whereas the by-law requires a setback of 40 metres (131.2 feet) from the centre line of any arterial road or provincial highway;
- d) **By-law 165-80, Section 4.7.1(a):**
a strip of land having a minimum depth of 4.5 metres (14.7 feet) used only for landscaped open space abutting any arterial road or provincial highway, whereas the by-law requires 9 metres (29.5 feet) and may include walkways, retaining walls, a ramp, and stairs;
- e) **By-law 165-80, Section 4.7.1(b):**
a strip of land having a minimum depth of 4.5 metres (14.7 feet) used only for landscaped open space abutting the street line, whereas the by-law requires 6 metres (19.7 feet) and may include walkways, retaining walls, a ramp, and stairs;
- f) **Section 2 – Definition for Lot Line, Front:**
the property line abutting Highway 7, inclusive of the adjoining daylight triangles shall be deemed to be the front lot line;
- g) **By-law 165-80, Section 5.2 (d)(i):** a minimum front yard setback of 4.5 metres (14.7 feet), whereas the by-law requires 12.0 metres (39.3 feet);
- h) **By-law 165-80, Section 5.2 (e):**
a minimum distance between buildings of 7.5 metres (24.6 feet), whereas the by-law permits a minimum setback of 12 metres (39.4 feet) between any two buildings on a lot;
- i) **By-law 165-80, Section 5.2 (f):**
a minimum ground floor area of 1065 square metres, whereas the by-law requires a minimum ground floor area of 1400 square metres;
- j) **By-law 165-80, Section 6.4.1:**

to permit retail, restaurant, personal service shop, commercial fitness centre, and recreation establishments, where access may be provided from the exterior or the interior of the building, and the combined gross floor area devoted to these uses is limited to a maximum of 15 percent of the total gross floor area of a non-industrial building, whereas the by-law does not permit these uses;

k) By-law 28-97, Section 3 (Table B):

to permit 513 parking spaces, which can accommodate up to a maximum gross floor area of 5,040 square metres of medical office use, whereas the by-law requires a minimum of 833 parking spaces.

as it related to a condominium tenured employment development including ancillary retail uses along the ground floor of the office buildings fronting Highway 7.

The application was related to the Site Plan Control submission '2022 118800 SPC'.

The Chair introduced the application.

The agent, Jenna Thibault, appeared on behalf of the application and gave a presentation illustrating the variances within the context of the proposed development.

Member Reingold supported the application, expressing that the variances were reasonable and that the project would provide a positive refresh of the urban pedestrian environment.

Member Kwok requested additional information regarding vehicular access to the site from Highway 7, confirming that Planning, Regional, Urban Design and Fire staff had reviewed and agreed to the proposed access. Member Kwok noted that the mix of programming on the site would be a positive addition to the Highway 7 corridor and confirmed that the parking standards, as requested, would meet the needs of the commercial space proposed.

Member Yan agreed with their colleagues that it was a nice mix of commercial and employment uses at a highly visible corner. Member Yan confirmed that the accessory uses would be confined to buildings A and E and confirmed that sufficient parking would be available to meet the needs of a medical office tenant. Member Yan supported the application, noting that the variances had been requested to meet the requirements of the Region and to facilitate Urban Design principles established for the site.

Member Prasad confirmed the space allocation for commercial uses and that the office and commercial uses would have sufficient parking. The agent indicated that a complete parking study had been conducted and highlighted both transit and pedestrian access to the site.

Member Gutfreund supported the application and expressed that the proposal was a welcome addition to the area, was transit-friendly and met the four tests of the *Planning Act*.

The Chair experienced technical difficulties, and Member Gutfreund took on the role of Acting Chair.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/124/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/159/23

Owner Name: Enterprise Boulevard Inc. (Jonathan Karavos)
Agent Name: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
Enterprise Boulevard, Markham
CON 5 PT LOT 9 RP 65R27018 PART 4

The applicant was requesting relief from the requirements of By-law 2004-196, as amended, to permit:

- a) **By-law 2004-196, Amended by By-law 2022-103, Schedule H2:**
a maximum number of 1360 residential units, whereas the by-law permits a maximum of 1,350 units;
- b) **By-law 2004-196, Amended by By-law 2022-103, Schedule H3:**
a minimum Canadian Geodetic Datum height of 176 metres in Area 1 on Schedule H3, whereas a minimum Canadian Geodetic Datum height of 180 metres is required within Area 1.
- c) **By-law 2004-196, Amended by By-law 2022-103, Schedule H3:**
a minimum Canadian Geodetic Datum height of 176 metres in Area 2 on Schedule H3, whereas the minimum Canadian Geodetic Datum height in Area 2 is 191 metres.

as it related to a high density mixed-used development.

This application was related to SPC 21 137365.

The Acting Chair introduced the application.

The agent, James Koutsovitis, and architect Stephen Hood appeared on behalf of the application and presented the project's history through previous planning applications and site plan approval.

The Chair rejoined the meeting.

Member Yan asked if the additional units were an affordable housing component. The agent clarified that the units reconfigured the floor space initially designated to the penthouse suites to one and two-bedroom lower-priced units. Member Yan supported the application, noting the success of the project and the desirable Urban Design elements and indicated the requested variances were technical and minor.

Member Kwok requested clarification regarding the "Hold" zone on the property, the requirements for a suite mix across the property, fulfillment of parking standards, and the timing of construction of the three buildings. Member Kwok had no objections to the variances and supported the application as the requests met the four tests of the *Planning Act*.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/159/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/169/23

Owner Name: Condor Acquisitions Inc. (Sam Balsamo)
Agent Name: Condor Properties (Davide Pellegrini)
McDowell Gate, Markham
Plan 65M 2813 Lot 1 except parts 7,8,9,10, 65R 22571

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

- a) **By-law 108-81, Section 4.5.1(a)(ii):**

a minimum of one loading space (Building 'A'), whereas a minimum of two loading spaces are required;

b) By-law 108-81, Section 4.5.1(b):

a building (Building 'A') to be constructed within 25.08 m of the centerline of 14th Avenue, whereas a minimum of 36 m is required;

c) By-law 108-81, Section 4.7.1(a):

a minimum landscaped open space depth of 4.58 metres immediately abutting 14th Avenue, whereas a minimum landscaped open space depth of 9 metres is required;

d) By-law 108-81, Section 4.7.1(b): a minimum landscaped open space depth of 3.35 metres immediately abutting McDowell Gate, whereas a minimum landscaped open space depth of 6 metres is required;

e) By-law 108-81, Section 6.1(d)(i):

a minimum front yard setback of 6.28 metres, whereas a minimum of 12 metres is required;

f) By-law 108-81, Section 6.1(d)(iv):

a minimum flankage yard of 4.58 metres, whereas a minimum of 6 metres is required;

as it related to a proposed three-storey office building and a one-storey industrial building. The application related to SPC 23 130595.

The Chair introduced the application.

The agent, Davide Pellegrini, appeared on behalf of the application. Davide provided an overview of the proposal, the distribution of office and industrial uses on the property, and the progress of the Site Plan application. Davide also highlighted a number of the variances related to the requirements for future road widening of 14th Avenue by the Region of York.

Member Gutfreund appreciated the mix of office and industrial uses proposed on the property and felt using the natural grading to facilitate the uses was appropriate and desirable. Member Gutfreund supported the application, indicating it met the four tests of the *Planning Act*.

Member Reingold supported the application, stating it would be a positive addition to the corner streetscape.

Member Kwok supported the application, indicating that the variances relating to the landscape design were appropriate for creating a desirable streetscape on both frontages.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/169/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. B/026/23

Owner Name: IBM Canada Limited (Dan Kunz)
Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
8250 Warden Avenue, Markham
CON 4 PT LOTS 9 AND 10 RP 65R36088 PT PARTS 73 AND 96 PARTS 1 4
TO 72 74 TO 95 97 TO 106

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate lot frontage of 54.0 metres (177.17 feet) and an approximate lot area of 12,213.2 square metres (3.02 acres);
- b) maintain an easement** for the purpose of storm and sewer maintenance over the severed land in favour of City of Markham;
- c) retain** a parcel of land with an approximate lot frontage of 52.00 metres (170.60 feet) and an approximate lot area of 301,505.00 square metres (74.5 acres).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new lot for a future public park.

The Chair introduced the application.

The agent, Lincoln Lo, appeared on behalf of the application. Lincoln highlighted the context of the site and the proposed use of the severed parcel as parkland for a proposed residential high-rise development that would connect to the more extensive trail system of the adjacent valley lands. Lincoln acknowledged the conditions of approval and indicated agreement with the conditions.

Member Yan requested information regarding the conveyance of the private road to the City and the relocation of the previous daycare use on the site.

Member Sampson supported the application, indicating that the proposal was in the public's interest.

Member Gutfreund had no objections and supported the application.

Member Kwok asked how the OLT appeal could impact the parkland dedication and the dedication of the road if the parcel would be sufficient to meet the parkland dedication requirements for the Lifetime Developments proposal and if the road would be established as a minor collector road.

Lincoln Lo indicated that the City was looking to obtain the road regardless of the outcome of the OLT appeal, and the property owner, IBM, could not determine the amount of land dedicated to parkland; instead, it would be determined by Lifetime Developments.

Member Kwok noted that the application intended to facilitate fulfillment of the parkland dedication requirement of the Lifetime Development residential proposal; however, the actual determination of parkland dedication was tied to the OLT appeal.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **B/026/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Jeamie Reingold
Seconded by: Arun Prasad

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:29 pm, and the next regular meeting would be held on November 1, 2023.

CARRIED

Original Signed
November 1, 2023
Secretary-Treasurer
Committee of Adjustment

Original Signed
November 1, 2023
Chair
Committee of Adjustment