



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

January 22, 2020
7:00 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 1st regular meeting of the Committee of Adjustment for the year 2020 was held at the time and place above with the following people present:

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

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

Regrets

Arun Prasad
Jeannie Reingold

Minutes: December 11, 2019

THAT the minutes of Meeting No. 22 of the City of Markham Committee of Adjustment, held December 11, 2019, be

- a) Approved as submitted, on January 22, 2020

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/30/19

**Owner Name: Ainkaran Manoranjitham
Agent Name: Varatha Design Associates (Ken Varatha)
122 Chloe Cres, Markham
PLAN 65M2525 PT LOT 34 RS65R11113 PARTS 13 & 14**

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

a) Section 5.2.1:

a secondary dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot;

b) Section 4.6(a):

a maximum projection of 0.70 m into the side yard, whereas the By-law permits an uncovered platform or step to project a distance of not more than 0.45 m into any required yard;

as it relates to an existing basement apartment and walkout. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Ken Varatha appeared on behalf of the application. Issues with drainage of last meeting have now been addressed.

Committee member Tom Gutfreund indicated it appears Engineering staff are now satisfied with these issues.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No. A/30/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/32/19

Owner Name: ZHANG YING

Agent Name: Henry He
14 Buttonfield Rd, Markham
PLAN 65M2556 LOT 114

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

a) Section 6.1 & 7.1.1:

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

as it relates to an existing basement apartment that was built without a permit.
(Central District, Ward 2)

The Secretary-Treasurer introduced the application.

The agent Henry He appeared on behalf of the application. They are proposing a basement apartment for this home.

16 Buttonfield Road resident opposed the application due to building infractions.

Mr. He responded that they have attempted to speak with this and other residents to address concerns they have.

Committee member Tom Gutfreund inquired about garbage issues at the site.

Mr. He stated there are two couples resident in the property.

Committee member Kelvin Kwok asked if access to basement is complying with zoning requirements.

Mr. He responded that it is.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/32/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/56/19

Owner Name: H & W Development Corp. (David Wang)
Agent Name: Walker, Nott, Dragicevic Associates Limited
10 Cedarland Drive, Markham
PLAN 65M3998 BLK 4

The applicant is requesting relief from the requirements of By-law 2004-96 as amended to permit:

a) Section 5, Table A1:

to permit apartment dwellings in a MC-PS1 zone, whereas the By-law does not permit apartment dwellings in the MC-PS1 zone;

b) Amending By-law 2010-205, Schedule B1 Location of Zones, Schedule B2 Maximum Permitted Net Floor Area, Schedule B3 Minimum and Maximum Heights, & Schedule B4 Setbacks:

to permit an apartment building to be constructed in the MC-PS1 zone in accordance with the development standards applicable to the MC-D2*3 zone, notwithstanding the zone boundaries of Schedules B1, B2, B3 & B4;

c) Section 4.14.2B Parking Space Requirements - Residential Uses:

to permit a maximum of 1.10 parking spaces per dwelling unit, whereas the By-law permits a minimum of 1 parking space per dwelling unit and does not permit the provision of additional parking spaces;

d) Section 4.14.2B Parking Space Requirements - Residential Uses:

to permit a minimum of 0.15 parking spaces per unit for visitors, whereas the By-law permits a minimum of 0.2 parking spaces per unit for visitors;

e) Amending By-law 2010-205, Schedule B3 Minimum and Maximum Heights:

to permit a maximum building height of 54.8 metres for both buildings, whereas the By-law permits a maximum height of 30 metres (west) and 35 metres (east);

f) Amending By-law 2010-205, Schedule B3 Minimum and Maximum Heights:

to permit a building or structure to have a maximum height of 238.00 G.S.C. (Geological Survey of Canada), whereas the By-law permits a maximum of 233.00 G.S.C. (Geological Survey of Canada);

g) Section 5, Special Provision 2 of Table A1:

Special Provision 2 of Table A1 shall not apply, whereas the By-law does not permit dwelling units to be located within 10 metres of the streetline on the first storey of any building;

h) Amending By-law 2010-205, Schedule B4 Setbacks Condition 1:

to permit a maximum building setback of 6.8 metres for any wall facing a streetline or public park, whereas the By-law permits a maximum setback of 1.0 metre for 80 percent of the wall facing a streetline or public park and 2.5 metres for the remaining 20 percent;

as it relates to two proposed residential apartment buildings. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Robert Dragicevic appeared on behalf of the application. The variances are technical in nature. It results in a more preferable development proposal.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/56/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/115/19

Owner Name: Walter Ribeiro
Agent Name: Ian Robertson Design (Bobbi-Jo Mackinnon)
52 Dove Lane, Thornhill
PLAN 3512 PT LOT 25 AND 26 65R36933 PARTS 1 AND 5

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

- a) Amending By-law 101-90, Section 1.2(i) - Building Height:**
a maximum building height of 10.96 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) Section 6.1 - Front Yard Setback:**
a minimum front yard setback of 26.7 feet (8.14 metres), whereas the By-law requires a minimum front yard setback of 27 feet;
- c) Amending By-law 101-90, Section 1.2(iv) - Building Depth:**
a maximum building depth of 29.83 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- d) Section 6.1 - Rear Yard Setback:**
a minimum rear yard setback of 19.75 feet (6.02 metres), whereas the By-law requires a minimum rear yard setback of 25 feet;
- e) Section 4.4.1 - Accessory Buildings:**
to erect an accessory building (Cabana) in the side yard, whereas the By-law requires all accessory buildings which are not part of the main building to be erected in the rear yard;
- f) Amending By-law 101-90, Section 1.2(vii) - Floor Area Ratio:**
a maximum floor area ratio of 54.8 percent (9,254 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (8,349 sq.ft.);

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

The Secretary-Treasurer introduced the application.

The agent Ian Robertson appeared on behalf of the application. They indicated grading had now been addressed.

Anton Stephens of 23 Ida Street spoke in opposition to the application. There are substantial drainage issues of the area.

Joseph Carullo asked if the water study as requested by the Committee had been prepared by the applicant.

Terry Cougan of 43 Dove Lane spoke in support to the application. Increase overflow could potentially occur.

Committee member Tom Gutfreund asked about drainage.

Mr. Robertson showed a design that was more appropriate for grading and drainage. The application will have to undergo the RIGS process.

Committee member Patrick Sampson indicated that while grading is separate process, residents have raised this and will look at it.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

THAT Application No. A/115/19 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/99/19

Owner Name: 254632 Ontario Inc. (Brian Hoecht)

Agent Name: Bobby James & Associates

120 Doncaster Avenue, Thornhill

REG COMP PLAN 10327 LOT 21

The applicant is requesting relief from the requirements of By-law 2053 as amended to permit:

a) Section 8 (iii) - Commercial Permitted Land Uses:

to permit a motor vehicle sales establishment, whereas the By-law does not permit this commercial use;

b) Section 9 - Prohibited Land Uses:

to permit outdoor storage, display and sales area of motor vehicles, whereas the By-law does not permit outdoor/open storage of vehicles;

as it relates to a proposed accessory use for an Automotive Sales Establishment and Repair Facility. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Bobby James appeared on behalf of the application. They believe the proposal is similar to other permitted uses in the area.

Brian Hoecht of Chrysler dealership owner. The proposal will generate business and employment opportunities.

Committee member Tom Gutfreund asked about the former school bus operations at site. He also commented that a rezoning application would be more appropriate.

Mr. Hoecht acknowledged the use is no longer in use.

Committee member Sally Yan commented that she does not believe this is the appropriate planning application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/99/19 be refused.

Resolution Carried

2. A/142/19

Owner Name: Neil Lauritsen
Agent Name: Neil Lauritsen
10 Dryden Crt, Markham
PLAN M1484 LOT 6

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

a) Section 11.1:

a front yard setback of 6.3 m, whereas the By-law requires front yard setback of 7.5 m;

b) Section 11.1:

a side yard setback of 1.818 m and 1.8 m on either sides of the property, whereas the by-law requires side yard setback of 1.829 m on either side property lines;

as it relates to a proposed residential dwelling. (**Heritage District, Ward 4**)

The Secretary-Treasurer introduced the application.

Neil Lauritsen appeared on behalf of the application. This is to build a modest family sized home.

Caron Wong appeared for the application. She had questions regarding the construction.

Moved By: Patrick Sampson

Seconded By: Kelvin Kwok

THAT Application No. A/142/19 be approved subject to conditions contained in the staff report with condition for fencing to the side of north property line.

Resolution Carried

3. A/144/19

Owner Name: Jenny Fung

Agent Name: Step Design Studio Inc.

7 Willowgate Drive, Markham

PLAN 5880 LOT 11

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

a)Section 1.2 (iii) under by law 1229 as amended by 99-90, properties zoned R1 - Max. Building Depth:

Proposed maximum Building Depth of 18.03m; whereas, by-law permits Maximum Building Depth of 16.80m

b)Section 1.2(i) By-law 1229 as amended by 99-90, properties zoned R1 - Max. Building Height:

Proposed Maximum Building Height of 10m; whereas, by-law permits Maximum Building Height of 9.80m

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

The Secretary-Treasurer introduced the application.

The agent of Step Design Studio indicated that the proposal has been done in a manner compatible for the area.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The carport is an element of concern.

Neighbour in rear has concerns with construction being protracted and property standards issues.

Committee member Tom Gutfreund indicate proposal is one he can support.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/144/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/146/19

Owner Name: Mark Cullen
Agent Name: Robert Hurlburt Homes Ltd (Robert Hurlburt)
126 Church St, Markham
PLAN 1445 PT LOT 1

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

a)Section 1.2 (iv), as amended by By-law 99-90:
to permit garage projection of 4.14 m, whereas By-law allows maximum garage projection of 2.1 m;

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

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. A/146/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. A/147/19

Owner Name: Krashnik Investments Ltd. (Mrs Doris Rosenberg)
Agent Name: David Johnston Architect Ltd. (David Johnston)
9833 Markham Rd, Markham
CONC 8 PT LOT 19 65R7230 PTS 1&2

The applicant is requesting relief from the requirements of By-law 88-76 as amended to permit:

a) Amending By-law 2005-277, Sections 1.1 & 1.2:

to permit retail stores, whereas the By-law permits one retail store with a maximum GFA of 1500sqm; and

b) Section 6.1:

to permit one personal service shop, whereas the By-law does not permit personal service shops;

as it relates to uses in units within an existing industrial complex. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent requested deferral as he had emergency which just occurred.

Moved By: Kelvin Kwok

Seconded By: Sally Yan

THAT Application No. A/147/19 be deferred sine die.

Resolution Carried

6. A/149/19

Owner Name: Innovative Health Holdings Inc. (Chi-Sam Tran)
Agent Name: Innovative Health Holdings Inc. (Chi-Sam Tran)
35 Karachi Dr, Markham
YORK REGION CONDO PLAN 1172 LEVEL 1 UNIT 40

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

1. A lot frontage of 96m, whereas the by-law requires a minimum lot frontage of 150m;
2. A lot area of 2.1ha, whereas the by-law requires a minimum lot area of 5ha;
3. A parking area to encroach 4.5m into the minimum required landscaped open space area adjacent to Markham Road, whereas the by-law does not allow a parking area to encroach into the minimum required landscaped open space;
4. A minimum building height of 6.5m for buildings CRU C1, CRU C2, CRU C3, and CRU C4, whereas the by-law requires a minimum building height of 8m within 40m of Karachi Drive and Markham Road;
5. A minimum building height of 7.5m for buildings CRU C5, CRU C6, CRU C7, CRU C8, and CRU C9, whereas the by-law requires a minimum building height of 8m within 40m of New Delhi Drive and Markham Road;
6. A reduction in the required number of loading spaces to zero, whereas the by-law requires a total of nine loading spaces (one loading space per building);
7. Parking ratios of 1 parking space per 28 sq m for Block 3 (south side) only, whereas the by-law requires 1 parking space per 18.5 sq m of leasable floor area greater than 2500sq m, as they relate to an existing commercial shopping centre.

Variances one through seven have previously been approved by the Committee of Adjustment under applications A/34/07, A/15/09, and A/132/11. The applicant is proposing these same variances in order to change the conditions of approval regarding the gross leasable floor area of medical offices and clinics:

- 1) Committee of Adjustment Decision A/132/11 - Condition 3:
That the total maximum Gross Leasable Floor Area devoted to medical offices and clinics be revised to permit at least 9.21 percent of the total gross leasable floor area of all buildings on the site, whereas Condition 3 of A/132/11 permits a maximum of 7 percent;

as it relates to a proposed denture office in an existing commercial building. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Adjacent property-owner spoke on the application. There does not appear to have been consent obtained by the condo corp.

Robert Knox, property manager and colleague of owner, do not believe this is a condo related issue.

Another property unit user is concerned that the unit where the use is proposed for is too small for this use.

Committee member Tom Gutfreund asked number of clients.

Mr. Tran responded that it is an appointment only model.

The Chair noted that the condo corp. had not provided representation to the meeting.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No. A/149/19 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/150/19

Owner Name: Hai Yin Enterprises Inc.
Agent Name: Ming Zhao
8333 Kennedy Rd, Markham
YORK REGION CONDO PLAN 1228 LEVEL 2 UNIT 111

a) Section 7.374, Table A2:

to permit a recreational establishment, whereas the By-law does not permit a recreational establishment;

as it relates to an existing bubble tea, internet, and board game café. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Ming Zhao appeared on behalf of the application.

Committee member Sally Yan stated that the use does appear complimentary for the building.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

THAT Application No. A/150/19 be approved subject to conditions contained in the staff report.

Resolution passed

8. B/027/19

Owner Name: Shiying Tan
Agent Name: Gregory Design Group
28 Aileen Road, Thornhill
PLAN 2382 PT LOT 11 65R37329 PART 2

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot area of 697.3 sq. m and frontage of 15.93 m (Part 1);
- b) retain a parcel of land with approximate lot area of 697.3 sq. m and frontage of 15.93 m (Part 2).

The purpose of this application is to create a new residential lot.

This serves as a re-application for consent B/09/18, which was approved by the Committee of Adjustment on September 12, 2018 but lapsed due to unfulfilled conditions of approval. This application is also related to consent B/29/16. (**West District, Ward 1**)

The Secretary-Treasurer introduced the application.

The agent Russ Gregory spoke on behalf of the application. He indicated owners have been out of country but are intent to satisfy conditions in this instance.

Committee member Tom Gutfreund inquired about the trees and their location on the site.

Mr. Gregory responded that driveway configuration was due to discussions with the local councillor.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No. B/027/19 be approved subject to conditions contained in the staff report.

Resolution Carried


- The Secretary-Treasurer commented that two Local Planning Appeal Tribunal (LPAT) had been received for A/131/19 to A/141/19 for 271 William Forster Road to 357 William Forster Road and A/145/19 for 91 Anderson Avenue. These appeals have now been forwarded onto the LPAT.

MOTION TO ADJOURN

Moved by Tom Gutfreund
Seconded by Kelvin Kwok

THAT the meeting of Committee of Adjustment be adjourned at 9:30PM., and the next regular meeting will be held on February 5, 2020.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair