



CITY OF MARKHAM
Virtual meeting on zoom

December 16, 2020
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 24th regular meeting of the Committee of Adjustment for the year 2020 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

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

Regrets
Kelvin Kwok

DISCLOSURE OF INTEREST

-Committee member Patrick Sampson indicated interest in variance A.100.20. However, the application is being recommended to be withdrawn by the applicant.

Minutes: December 2, 2020

THAT the minutes of Meeting No. 23 of the City of Markham Committee of Adjustment, held December 2, respectively, be

- a) Approved as submitted, on December 2, 2020.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

PREVIOUS BUSINESS

1. A/018/20

Owner Name: Fang Chen and Junhua He
Agent Name: Rachel Y.H. Sun Architect (Rachel Sun)
7 Shorthill Dr, Markham
PLAN 65M2269 LOT 17

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

- a) Section 6.1:**
one accessory dwelling unit in the basement, whereas the By-law permits a single detached dwelling;
- b) Section 5.7 (a):**
To permit uncovered stairs to project a distance of 1.01 m into the required interior side yard; whereas the by-law permits a maximum projection of 0.45 metres
- c) Section 7.2:**
a maximum lot coverage of 34.6 percent, whereas the By-law permits a maximum of 33-1/3 percent;
- d) Section 6.2:**
an accessory building located 0.35m from the side yard, whereas the By-law permits a minimum of 0.6m from the nearest lot line;

as it relates to an existing rear shed and basement apartment with a walkout that was built without a permit. (Central District, Ward 3)

The Secretary-Treasurer introduced the application.

The agent Rachel Sun appeared on behalf of the application. There are several bathrooms as the family members do not want to share bathroom use.

Committee member Tom Gutfreund indicated that, since the last meeting, changes have been made to the proposal to address concerns as raised by the Committee.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/018/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

2. A/048/20

Owner Name: 10057428 CANADA CORP. (Magdi Wanis)
Agent Name: 10057428 CANADA CORP. (Magdi Wanis)
220 Cachet Woods Crt, Markham
PLAN 65M4414 BLK 2 65R37169 PARTS 2 AND 3

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

b) Section 6.4.3 (a):

a maximum allowable floor area ratio 140 percent, whereas the By-law permits a maximum of 70 percent;

j) Section 4.7.1 (b):

a minimum landscape strip along Cachet Woods of 1.5m, whereas the By-law requires a minimum of 6.0m;

as it relates to a proposed 5-storey office building. **(West District, Ward 2)**

**Previous variances A-I had been heard and considered at the December 2, 2020 Committee of Adjustment (COA) meeting. Variance B has now been revised and will also be re-considered at this meeting.*

The Secretary-Treasurer introduced the application.

The agent Nick Wood appeared on behalf of the application. Variances B had been revised and variance J is new variance for the Committee to review and consider.

Committee member Tom Gutfreund believes these variances are of a technical nature.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/048/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

3. A/100/20

**Owner Name: Moheb Kheir
Agent Name: Neveen
14 Meyer Circle, Markham
PLAN M1898 PT LOTS 51 & 52**

The applicant is requesting relief from the requirements of By-law 163-78 as amended to permit:

- a) By-law 163-78, Sec. 7.2(b):**
allow an interior side yard setback of 1.21 m; where as the By-law requires minimum interior side yard setback of 1.8 m

as it relates to a proposed two storey rear and side addition. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

Staff indicated the applicant is withdrawing the application.

NEW BUSINESS:

1. A/109/20

**Owner Name: 2431988 Ontario Ltd.
Agent Name: Larkin+ land use planners (Daniel Ceron)
7 Highway E, Markham
CON 9 PT LOT 11 RP 65R31242 PARTS 2 AND 3**

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

- a) By-law 2017-16, section 7.569.2.d):**
a Maximum Building Height of 48.0 metres, whereas the By-law permits a Maximum Building Height of 40.0 metres;
- b) By-law 2017-16, section 7.569.2.f):**
a maximum number of 13 storeys, whereas the By-law permits a maximum number of 12 storeys;
- c) By-law 2017-16, section 7.570.2.j):**
a maximum number of 312 dwelling units, whereas the By-law permits a maximum number of 270 dwellings units;
- d) By-law 2017-16, sections 7.569.2.i), and 7.570.2.k):**

a minimum setback of 0.0 metres for any underground parking garage to a lot line between CA2*569, and R3*570 zones, whereas the By-law requires a minimum setback of 0.5 metres for an underground parking garage to any lot line;

e) By-law 177-96, section 3.136:

That the ground floor with a maximum height of 5.8 metres, and the Amenity Area located at the 13th storey with a maximum height of 6.0 metres shall be deemed to be one-storey each, whereas the By-law requires that 'Any portion of a storey exceeding 4.2 metres in height shall be deemed to be an additional storey';

f) By-law 28-97, Section 3.0 Table A item "C Multiple Dwellings":

a minimum of 1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors, whereas the By-law requires '1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors';

g) By-law 28-97, Section 3.0 Table A item "D Apartment Dwellings":

a minimum of 1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors, whereas the By-law requires '1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors';

h) By-law 28-97, Section 5.1:

That five percent of the proposed parking spaces per variance to the minimum required, shall be dedicated and use as accessible parking spaces, whereas the By-law requires that five per cent of the parking spaces required in Tables A and B shall be dedicated and use as accessible parking spaces;

i) Parking By-law 28-97, Tables A and B and Variance A/109/20:

a reduction of up to 7 parking spaces from the combined required totals of visitor parking for residential and non-residential uses for the Mixed-use Apartment Building to recognize the sharing of visitor parking;

j) By-law 28-97, Section 6.1.1 (a):

Required parking spaces to be located on an adjacent lot, whereas the By-law requires that parking spaces required by Sections 3 and 4 of this By-law shall be provided on the same lot as the Building, structure, or use requiring the parking;

as it relates to the proposed development of a 259 unit condominium apartment building and 312 stacked townhouse units on the subject lands, which are being reviewed by the City concurrently with Site Plan Application SPC 19 136373. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Michael Larkin appeared on behalf of the application. He contends that the tests for minor variance are met.

Committee member Jeamie Reingold inquired about public transit access here.

Mr. Larkin indicated that the transit terminal (proposed) is adjacent to this proposed development.

Committee member Tom Gutfreund believes the proposal is appropriate for the location.

Committee member Sally Yan asked when occupancy will be achieved in comparison to the infrastructure being put in place. She also asked about the residential and non-residential shared parking and how that would be deployed.

Mr. Larkin responded that the 'diamondwood' road to the transit terminal is completed and has been deeded to the municipality. Major infrastructure is in place. In terms of parking, the visitor parking is the main issue here and not the resident parking.

The Chair is asking about the height variance and how it occurred.

Mr. Larkin stated there was a technical issue which resulted in the height variance.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold
Patrick Sampson opposed

THAT Application No. A/109/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

2. A/111/20

Owner Name: Lei Zhang
24A Gladiator Rd, Markham
CON 7 PT LOT 10 65R30336 PT 1

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

- a) By-law 1229, Sec. 6.1:**
to permit an accessory dwelling unit, whereas the By-law does not permit the use;

as it relates to a proposed secondary suite **(basement apartment. (East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The owner Lei Zhang appeared on behalf of the application. There will be exterior alteration and no impact in the neighbourhood.

Committee member Jeamie Reingold inquired about the parking.

Ms. Zhang responded all parking will be provided on site.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No A/111/20 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/119/20

Owner Name: Lidosa Ltd (Ronald Hurlburt)
Agent Name: WeirFoulds LLP (Paul Chronis)
411 Manhattan Dr, Markham
CON 6 PT LOT 14 RS65R12164 PARTS 2,5 & 7

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

a) By-law 134-79, Sec 2.3:
to permit an increase in gross floor area (GFA) of all restaurants and take-out restaurants to 274 m², whereas the by-law permits a maximum GFA of 223 m² for all restaurants and take-out restaurants;

as it relates to an existing multi-use building. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Paul Chronis appeared on behalf of the application. There are no addition or changes to the exterior.

Committee member Jeamie Reingold indicates her support of the proposal. She also inquired if a parking study was completed.

Mr. Chronis responded that parking would continue to be zoning compliant.

Committee member Sally Yan asked if a potential tenant has already been identified.

Mr. Chronis indicated that it appears it will be a pizzeria.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No A/119/20 be approved subject to conditions contained in the staff report.

Resolution Carried

4. A/120/20

Owner Name: Xue Mei Wu
Agent Name: Gregory Design Group (Shane Gregory)
24 Church St, Markham
PLAN 18 BLK 1 PT LOT 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 net floor area ratio of 49.50 percent, whereas the By-law permits a maximum net floor area ratio of 45.0 percent;
- b) Infill By-law 99-90, Section 11.3(a)(i);**
a maximum building height for accessory structure of 4.05 m, whereas the By-law permits a maximum height of 3.65 m;

as it relates to a proposed detached garage on existing foundation. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application. He stated that they have already obtained heritage approval.

Committee member Jeanie Reingold and asked about soft landscaping on site.

Mr. Gregory responded that they have soft landscaping on site now.

Mr. Gregory also asked if condition 1 could be removed and that he speak with heritage staff directly relating to this.

Moved By: Jeamie Reingold
Seconded By: Sally Yan

THAT Application No A/120/20 be approved subject to conditions contained in the staff report and that condition 1 be revised to also indicate 'to the satisfaction of Director of Planning and Urban Design'.

Resolution Carried

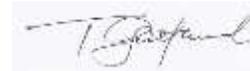
Adjournment

Moved by Tom Gutfreund
Seconded by Jeamie Reingold

THAT the virtual meeting of Committee of Adjustment be adjourned at 8:19 PM, and the next regular meeting will be held January 20, 2021.



CARRIED



Secretary-Treasurer,
Committee of Adjustment

Chair