

# Memorandum to the City of Markham Committee of Adjustment

December 3, 2020

**File:** A/119/20  
**Address:** 411 Manhattan Drive – Markham, ON  
**Applicant:** Lidosa Limited  
**Agent:** WeirFoulds LLP  
**Hearing Date:** December 16, 2020

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following “Local Commercial (LC) Zone” requirement under By-law 134-79, as amended, as it relates to an existing multi-unit commercial building. The variance requested is to permit:

**a) Site Specific Amending By-law 304-88, Section 2.3:**

an increase in gross floor area (GFA) for all restaurants and take-out restaurants to 274.0 m<sup>2</sup> (2,949.31 ft<sup>2</sup>); whereas the By-law permits a maximum GFA of 223.0 m<sup>2</sup> (2,400.35 ft<sup>2</sup>) for all restaurants and take-out restaurants.

## **BACKGROUND**

### **Property Description**

The 5,067.90 m<sup>2</sup> (54,552.20 ft<sup>2</sup>) subject property is located at the southwest corner of Manhattan Drive and McCowan Road, north of Carlton Road. The subject property is developed with a one-storey multi-unit commercial building (“the subject building”), which has a total GFA of 1,099.50 m<sup>2</sup> (11,834.92 ft<sup>2</sup>). The subject property is surrounded by an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

### **Proposal**

The applicant is proposing to increase the maximum total GFA of restaurants and take-out restaurants as detailed above. No changes to the exterior of the building are being proposed.

### Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Mixed Use Low Rise”, which provides for a mix of low density residential, retail, restaurant and service uses that contribute to the creation of complete communities.

### Zoning By-Law 134-79, as amended

The subject property is zoned “Local Commercial (LC) Zone” under By-law 134-79, as amended, which permits the following uses:

- Banks, financial institutions;
- Personal service shops;
- Business and professional offices;
- Retail stores; and
- Taxi stands.

The Local Commercial zone does not specifically permit restaurants, including take-out restaurants.

#### Site Specific Amending By-law 304-88

A Site Specific By-law Amendment to the subject property was approved in 1988 to permit restaurant and take-out restaurant uses with a maximum combined GFA of 223.0 m<sup>2</sup> (2,400.35 ft<sup>2</sup>). The proposed development does not comply with the By-law requirement with respect to the maximum GFA for restaurant and take-out restaurant uses.

#### Previous Minor Variance Decision of Partial Approval

Through a previous minor variance application (A/90/12), the applicant requested that the following uses be permitted by the Committee:

- a clinic use, whereas the By-law does not specifically permit the use;
- a commercial school use with a maximum GFA of 130.0 m<sup>2</sup>, whereas the By-law does not specifically permit the use; and
- restaurant and take-out restaurant uses with a maximum GFA of 330.0 m<sup>2</sup> (3,552.09 ft<sup>2</sup>), whereas the By-law permits restaurant and take-out restaurant uses with a maximum GFA of 223.0 m<sup>2</sup> (2,400.35 ft<sup>2</sup>).

On June 13, 2012, the Committee approved the clinic use and commercial school use as requested by the owner and denied the requested increase to the maximum GFA for restaurant and take-out restaurant uses as shown in the minutes extract in Appendix "D".

#### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant confirmed that a ZPR has not been undertaken. It is the applicant's responsibility to ensure that the application has accurately identified the variance to the By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address any non-compliance.

#### **COMMENTS**

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment ("the Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

#### **Increase in Maximum GFA for Restaurants and Take-out Restaurants**

The applicant is requesting permission to increase the maximum GFA of all restaurants, including take-out restaurants to 274.0 m<sup>2</sup> (2,949.31 ft<sup>2</sup>) on the subject property, whereas the By-law permits a maximum GFA of 223.0 m<sup>2</sup> (2,400.35 ft<sup>2</sup>) for all restaurant and take-out restaurant uses. This is an increase of 51.0 m<sup>2</sup> (548.96 ft<sup>2</sup>).

Staff are of the opinion that the requested variance will not result in any visual impacts along the public realm, as there are no changes proposed to the exterior of the building.

The applicant submitted a site plan (Appendix "B") which confirms that a total of 62 parking spaces exist on site. The applicant also provided staff with a unit breakdown of the existing uses on site, and zoning staff were able to confirm that a total of 58 parking spaces would be required if the proposed variance were to be approved.

Planning staff are satisfied that the parking requirements found under the City of Markham's Parking Standards By-law 28-97 would be met. Additionally, the request to increase the GFA for restaurant and take-out restaurant uses could provide for better tenant occupancy and enhanced flexibility in services offered. Staff are of the opinion that the proposed variance is minor in nature and have no objections to the requested variance.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of December 3, 2020. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

### **CONCLUSION**

Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and are of the opinion that the requested variance meets the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

### **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Site Plan/Survey

Appendix "C" – Applicant's Comments: November 6, 2020

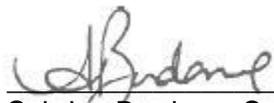
Appendix "D" – Minutes Extract (A/90/12): June 13, 2012

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



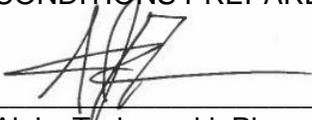
Sabrina Bordone, Senior Planner, Central District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/119/20**

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the subject development, in substantial conformity with the batch stamped Site Plan/Survey attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**SITE PLAN/SURVEY TO BE ATTACHED TO ANY APPROVAL OF FILE A/119/20**

PLAN OF LOT 14  
CONCESSION 6  
TOWN OF MARKHAM

SCALE 1:250  
0 1 2 3 4 5 10 15 20 metres

(REGIONAL MUNICIPALITY OF YORK)

© COPYRIGHT  
ertl surveyors 2012  
Ontario Land Surveyors

**Metric**  
DISTANCES SHOWN ON THIS PLAN ARE  
IN METRES AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048

Notes

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO  
THE NORTHERLY LIMIT OF PART 5, PLAN 65R-12164  
HAVING A BEARING OF N 73°59'50" E

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- IB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- OU DENOTES ORIGIN UNKNOWN
- WT DENOTES WITNESS
- PP DENOTES REGISTERED PLAN 65M-2267
- PP DENOTES SURVEY BY J. D. BARNES LIMITED, O.L.S. DATED MARCH 16th., 1989
- P1 DENOTES PLAN 65R-12164
- P2 DENOTES PLAN 65R-23290
- P3 DENOTES PLAN 65R-17912
- P4 DENOTES PLAN 65R-12589
- P5 DENOTES SURVEY BY DAVID HORWOOD LTD., O.L.S. DATED SEPTEMBER 5th., 1995
- 922 DENOTES SCHAEFFER & REINTHALER LTD., O.L.S.
- 1137 DENOTES R. G. McKIBBIN LIMITED, O.L.S.
- 1370 DENOTES VLADIMIR KRUMAR LTD., O.L.S.
- JDB DENOTES J. D. BARNES LIMITED, O.L.S.
- NT DENOTES NOT TANGENTIAL
- BF DENOTES BOARD FENCE
- N,S,E,W DENOTES NORTH,SOUTH,EAST,WEST

Part 2

SUBJECT TO AN EASEMENT OVER PART 5, PLAN 65R-12164  
AS IN INST. No. R483433

FENCES ENCR OACH SUBSTANTIALLY ONTO SUBJECT PROPERTY  
THE NORTHWESTERLY FENCE IN PARTICULAR ENCR OACHES  
BY UP TO 2.63 m AS SHOWN HEREON

SURVEY PREPARED FOR: JOHN HURLBURT HOLDINGS LTD.

Benchmark

TOWN OF MARKHAM BM. No. M-33-20  
SITE BM.- THE SOUTHEASTERLY CORNER OF THE HYDRO PUMP PAD  
LOCATED NEAR THE SOUTHWESTERLY CORNER OF THE PROPERTY  
ELEVATION = 206.52 m

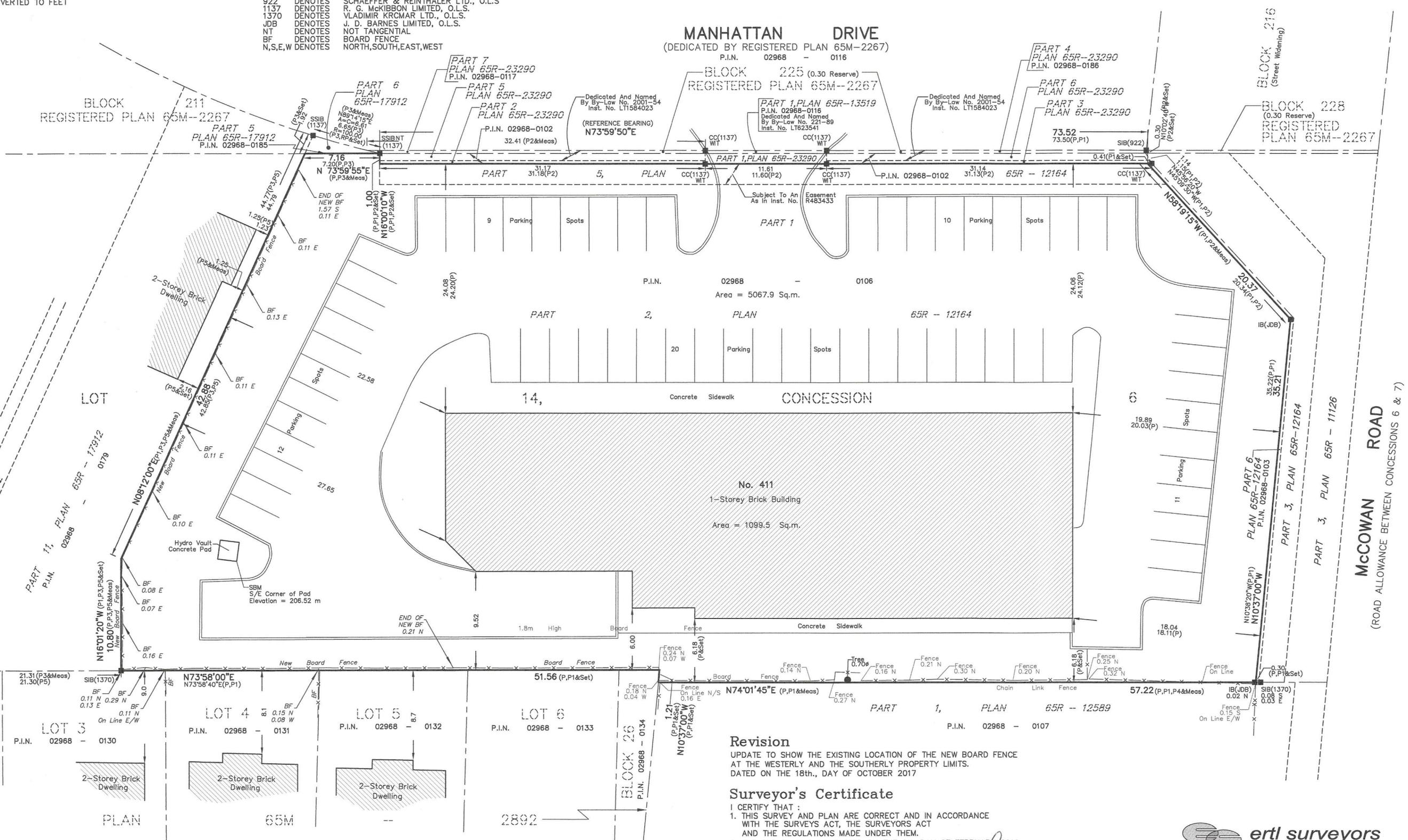
Appendix B



Date: 12/08/20

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
1830649

THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR.  
In accordance with  
Regulation 1026, Section 29(3).



**Revision**  
UPDATE TO SHOW THE EXISTING LOCATION OF THE NEW BOARD FENCE  
AT THE WESTERLY AND THE SOUTHERLY PROPERTY LIMITS.  
DATED ON THE 18th., DAY OF OCTOBER 2017

**Surveyor's Certificate**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYS ACT, THE SURVEYORS ACT  
AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF FEBRUARY 2012

Feb 17<sup>th</sup> 2012  
Date

Lawrence O. Ertl  
Ontario Land Surveyor

**ertl surveyors**  
Ontario Land Surveyors

1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
DRAWING: 12014-SRPR.DWG PROJECT: 12014  
CALC. BY GT, DRAWN BY HD/REZA, CHECKED BY L. ERTL

**APPENDIX "C"**  
**APPLICANT'S COMMENTS: NOVEMBER 6, 2020**

November 6, 2020

**Paul Chronis**  
Land Use Planner  
t. 416-947-5069  
PCHRONIS@weirfoulds.com

DELIVERED

File 00819.00006

**Justin Leung, Secretary-Treasurer Secretary-Treasurer  
Committee of Adjustment  
Town of Markham**  
101 Town Centre Blvd  
Markham, Ontario L3R 9W3

Dear Mr. Leung:

**Re: Application for Minor Variance – 411 Manhattan Drive, Markham**

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We act for Lidosa Limited ("**Lidosa**") with respect to the property municipally known as 411 Manhattan Drive (the "**Site**"), in the Town of Markham (the "**Town**")

When Lidosa purchased the Site in April 2012, there was an approximate 50% tenant vacancy (Units 1 and 7). This prompted Lidosa to file a minor variance application (A90/12) seeking the Committee of Adjustment's (the "**Committee**") approval to allow a clinic and commercial school uses on the Site. At the same time, minor variance application A90/12 sought relief to increase the size of restaurant/take-out restaurant (collectively referred to as the "**restaurant**") from that currently permitted as-of-right under existing zoning controls (223 square metres), discussed below, to 330 square metres to permit tenancy flexibility.

The Committee approved the clinic and commercial school component of application A90/12, but, refused the restaurant variance. A copy of the Committees' decision on application A90/12 is attached.

At the time of Site acquisition, the existing tenants within the Shopping Centre consisted of three units (Units 2A, 3c and 5) each of which were leased by the previous owner for restaurant uses. These three units have a combined gross floor area of 274 square metres (Unit 2A: 112 square metres; Unit 3C: 69 square metres; and, Unit 5: 93 square metres).

Accordingly, we submit this Application for Minor Variance (the "**Application**") for a minor variance from Zoning By-law 134-79, as amended by Site-Specific Zoning By-law 304-88, in

order to recognize and continue to permit 274 square metres of restaurant space, notwithstanding the existing zoning permits only 223 square metres.

## **SITE DESCRIPTION**

The Site is comprised of approximately 0.51 hectares (1.25 acres) in total area. It is currently improved by a one-storey multi-tenanted shopping centre comprised of 1,095.38 square metres (11,791 square feet) of retail space having an approximate 35.21 metre frontage along McCowan Road and 73.52 metres of frontage along Manhattan Drive. There are currently nine retail commercial units of varying sizes, the smallest being 42 square metres and the largest being 328 square metres.

One full turn driveway entrance is provided approximately mid-point on the Manhattan Drive frontage. A total of 62 on-site parking spaces are provided to serve this shopping centre.

The shopping centre was built approximately in 1988 following an Ontario Municipal Board (the “OMB”) approval for a site-specific Official Plan and Zoning By-law appeal. A site plan agreement for the development is registered on title, as detailed in the Application.

## **SURROUNDING USES**

The Site abuts residential uses to the immediate west and south. Across the street on the north side of Manhattan Drive and to the east across McCowan Road are also residential uses.

## **REQUESTED VARIANCES**

As described above, Lidosa is seeking the following variance to Zoning By-law 134-79, as amended by Site-Specific Zoning By-law 304-88:

### **Pursuant to the provisions of Section 45(1) of the *Planning Act*:**

1. To allow for a maximum gross floor area of all restaurants to not exceed 274 square metres; whereas Section 2.3 of Zoning By-law 134-79 currently permits 223 square metres;

## **DISCUSSION**

### **Official Plan**

The Site was the subject of a site-specific Zoning By-law and Official Plan Amendment approved by the OMB on July 7, 1987.

The Site is designated Urban Residential pursuant to the Town's Official Plan. Neighbourhood Commercial Centres are permitted within this designation. The site-specific Official Plan Amendment limits the size of the parcel designated for Neighbourhood Commercial uses to 0.52 hectares in area [Section 4.3.1.2(c)]. The Site conforms.

### **Zoning**

The base Zoning By-law 134-79, as amended, permits the following range of uses:

1. Banks, financial institutions;
2. Personal Service Shops;
3. Business and Professional Offices;
4. Retail Stores;
5. Restaurant (use added by site-specific Zoning By-law 304-88); and
6. Restaurant, Take-Out (use added by site-specific Zoning By-law 304-88).

In terms of the regulatory requirements of Zoning By-law 134-79, the following applies:

- (a) Minimum Lot Frontage: 30 metres
- (b) Minimum Lot Area: 0.4 hectares
- (c) **Minimum Yards:**
  - i. Minimum Front Yard: 12 metres
  - ii. Minimum Side Yard: 6 metres
  - iii. Minimum Rear Yard: 12 metres

- (d) Maximum Gross Floor Area for all buildings: 1,100 square metres

The existing built-form meets all regulatory provisions.

The Zoning By-law limits the maximum total gross floor area of all restaurants to 223 square metres.

## RATIONALE

The proposed variance, to apply within the existing building housing commercial retail units in a built-up urban area, is consistent with the wise use of resources policies of the Provincial Policy Statement. Enhanced flexibility in services offered conforms with the Growth Plan for the Greater Golden Horseshoe, on similar grounds.

In consideration of applicable tests under section 45(1) of the *Planning Act*, the request is supported by the following considerations:

1. Enhanced restaurant space generates concerns for the adequacy of parking. The following observations are made with respect to parking:

- (a) A “shopping centre” is defined to mean:

“a building or a group of buildings containing a combination of commercial uses which has been designed, developed and managed as one unit by a single owner or tenant, or a group of owners and tenants, as distinguished from a business area comprising unrelated individual uses”

The Site functions in compliance with this description.

- (b) Under the Parking By-law, a shopping centre which has less than 2,500 square metres of leasable floor area is required to provide the following parking:

“1 parking space per 23 square metres of leasable floor area

- Restaurants within such shopping centres including associated food courts or eating areas are subject to the following requirements:
  - 1 parking space per 23 square metres of leasable floor area for that portion which occupies 20% or

less of the total leasable floor area of the shopping centre

- 1 parking space per 9 square metres of leasable floor area for that portion which occupies more than 20% of the total leasable floor area of the shopping centre.”
2. 20% of the existing gross floor area of the shopping centre represents 220 square metres. The parking component of this space used for restaurant is calculated on the basis of the shopping centre standard of 1:23 square metres and the balance of the space (54 square metres) is required to provide a parking ratio of 1:9 square metres. Accordingly, 51 parking spaces are required whereas 62 are provided on the Site. This leaves a residual of 11 parking spaces.
  3. The Site has ample parking; the potential increase in internal restaurant space is modest and easily accommodated by site conditions and without new constructions.
  4. Historically, the Site has functioned with 274 square metres of restaurant committed space without any negative off-site impacts.
  5. There have been no reported issues with noise or odours. The owner of the Site is very involved in ensuring all tenant obligations do not migrate from the limits of the Site.
  6. Further, there are no issues in respect of on or off-site vehicular and pedestrian circulation.

## CONCLUSION

We respectfully submit that the requested variance simply satisfies all applicable tests set out in the *Planning Act*. Specifically, we trust that the Committee can agree that the permission sought for increased gross floor area for restaurants on the Site: (1) maintain the general intent and purpose of the Official Plan; (2) maintain the general intent and purpose of the Zoning By-law; (3) are desirable for the appropriate development and use of the Site; and (4) are clearly minor in nature.

In support of the Application, please find enclosed the following items filed through the Town's ePlan portal:

1. A copy of the Minor Variance Application, duly completed and signed;

2. Transfer/Deed of Land registered as YR1811436 on April 20, 2012
3. Application fee in the amount of \$6,014.00; and,
4. A Site Plan/ Survey.

Thank you for your attention to this matter. Kindly acknowledge receipt of this letter and confirm the required sign posting and hearing date. Should you require any additional information, please do not hesitate to contact the undersigned or Paul Chronis, Senior Planner of our office, at (416) 947-5069 or by email at [pchronis@weirfoulds.com](mailto:pchronis@weirfoulds.com).

Yours truly,

**WeirFoulds LLP**



Paul Chronis

PC/bt  
Encl.

c: Client

**APPENDIX "D"**  
**MINUTES EXTRACT (A/90/12): JUNE 13, 2012**

- d) a maximum front yard garage eave encroachment of 2 feet 6 inches; whereas, the By-law permits a maximum encroachment of 18 inches;
- e) a circular driveway that does not provide direct access to a private garage; whereas, the By-law requires a driveway to have direct access to the private garage from the public street.

The Applicant and project architect Shenshu Zhang presented on the application and explained the nature of the proposed variances. Mr. Zhang also wanted to address neighbour concerns regarding the driveway design by explaining the circular driveway and requested variance will allow for additional landscaping in front of the driveway which will provide less exposure of the house and garage from the street.

A resident, Ms. Elaine Polizki of 38 Old English Lane spoke in objection to the application citing concerns over the driveway which she said was unnecessary. Ms. Polizki was also concerned about the impacts to trees both on the subject property and her own property. Additionally she also expressed concerns that the proposed canopy subject to the application is too close to the street.

There were no further comments from the audience.

Committee member Bruno Tucciarone said he would like to take a look at the property before making a decision and suggested the application should be deferred.

Committee member Gary Muller asked the Applicant to identify what trees would be removed with the circular driveway in comparison to one that provides direct access to the garage. Mr. Zhang identified the location of trees on a site plan and explained a driveway with direct access to the three-car garage would be wider and impact more trees.

Mr. Muller also asked Mr. Zhang if the application was deferred could he submit a landscaping plan. Mr. Zhang responded that he could have one prepared.

Committee Member Keith Daunt wanted the Applicant to consider whether he needed the proposed driveway. Committee member Philip Gunn also requested that the applicant discuss the application with the adjacent neighbours to alleviate their concerns.

The Committee had no further questions or concerns.

**Moved By: Bruno Tucciarone**  
**Seconded By: Lolita Bruneau**

THAT Application No. A/89/12, submitted by TAO HONG, owner of 36 Old English Lane, Thornhill (PLAN M1127 LOT 11), requesting relief from the requirements of By-law No. 1767, as amended, to permit:

- a) a minimum rear yard setback of 20 feet, whereas the By-law requires a minimum rear yard setback of 50 feet;
- b) a minimum front yard setback of 31 feet, whereas the By-law requires a minimum front yard setback of 35 feet;
- c) a maximum front yard canopy encroachment of 12 feet 9 inches, whereas the By-law permits a maximum encroachment of 18 inches;
- d) a maximum front yard garage eave encroachment of 2 feet 6 inches; whereas, the By-law permits a maximum encroachment of 18 inches;
- e) a circular driveway that does not provide direct access to a private garage; whereas, the By-law requires a driveway to have direct access to the private garage from the public street, be **deferred** Sine Die.

Resolution carried.

**11. Name: Lidosa Limited**  
**Location: 411 Manhattan Drive, Markham**  
**Applications: A/90/12**

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The Owners are requesting relief from the requirements of By-law No. 134-79, as amended, to permit:

- a) a maximum gross floor area of 330 square metres for all restaurants and take-out restaurants, whereas By-law permits a maximum gross floor area of 223 square metres for all restaurants and take-out restaurants;
- b) the use of a clinic, whereas the By-law does not specifically permit this use; and
- c) the use of a commercial school with a maximum gross floor area of 130 square metres, whereas the By-law does not specifically permit this use.

The Applicant, Paul Cronis a planner with Weir Folds presented on the application and explained the nature of the proposed variances. Mr. Cronis explained that variance A should be assessed under the four tests of the Planning Act, whereas variances B and C should be assessed under Section 45 2(b) of the Planning Act. Mr. Cronis indicated that upon review of the staff report, he wanted to clarify that although the Official Plan indicates a rezoning application should be submitted to permit a commercial school, he is of the opinion that this would relate to a large scale premise, in comparison to the 130 sq metre school being proposed through this application. Mr. Cronis also suggested including a condition to outline the types of uses being proposed as part of the commercial school subject to the application.

A resident, George Lalwani of 408 Manhattan Drive spoke in objection to the restaurant component of the application, citing concerns over garbage, noise, loitering, traffic and safety. Mr. Lawlwanni also noted there is already 3 takeout restuarants on the property, which in his opinion does not need any more.

Mr. Cronis explained that the application is to permit additional restuarant floor area, which could be an expansion to an existing restaurant rather than a subsequent tenant.

Another resident, Mr. Balwinder Heer spoke in objection to the application citing similar concerns as Mr. Lalwani. Mr. Heer did note improvements have recently been made to the cleanliness of the site, however he still has concerns about increased traffic.

Committee member Gary Muller recommended adding a condition of approval related to odour controls, similar to an application that was presented earlier. Mr. Cronis explained he did not know enough about the associated costs to agree on behalf of his Client.

Committee Chair Khalid Usman expressed concerns that the increased restaurant useage on the property is unnecessary, indicating there is more than enough already permitted. Committee members Keith Daunt and Bruno Tucciarone agreed.

There were no further comments from the audience and the Committee had no further questions or concerns.

**Moved By:** Keith Daunt  
**Seconded By:** Bruno Tucciarone

**12. Name:** Mehran Monabbati and Shohreh Salimpour  
**Location:** 136 Baywood Court, Thornhill  
**Applications:** A/91/12

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The Owners are requesting relief from the requirements of By-law No. 2237, as amended, to permit a minimum 30.75 metre setback from the centerline of John Street; whereas, the by law requires a minimum 35 metres setback from centerline of John Street.

The Applicant, John Sibinek presented on the application and explained the nature of the proposed variance. Mr. Sibinek explained that the proposal related to a rear yard addition, and the dwelling complies with the rear yard setback and floor area ratios. He also noted that the development will be sympathetic to the style and materials of the existing dwelling.

There were no comments from the audience and the Committee had no further questions or concerns.

**Moved By:** Bruno Tucciarone  
**Seconded By:** Philip Gunn