



CITY OF MARKHAM
Virtual meeting on zoom

September 22, 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 17th 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	7:00PM
Patrick Sampson	7:00PM
Gregory Knight, Chair	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

Absent
Arun Prasad

Justin Mott, Acting Secretary-Treasurer
Geoff Day, Senior Planner, Zoning and Special Projects
Charlotte Wayara, Development Technician

DISCLOSURE OF INTEREST

None

Minutes: September 8, 2021

THAT the minutes of Meeting No. 16 of the City of Markham Committee of Adjustment, held September 8, 2021 respectively, be

- a) Approved as submitted, on September 22, 2021

Moved By: Jeamie Reingold
Seconded By: Sally Yan

NEW BUSINESS:

1. B/003/21

**Owner Name: Wilson Xue
Agent Name: Brutto Consulting (Claudio Brutto)
45 Sciberras Road, Markham
PLAN 2886 L A7**

For provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 15.24 m (50.0 ft) and an approximate lot area of 898.40 sq m (9670.30 sq ft) (Part 2);
- b) retain a parcel of land with approximate lot frontage of 15.24 m (50.0 ft) and an approximate lot area of 898.40 sq m (9670.30 sq ft) (Part 1);

as it relates to a proposal to create one new residential lot. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

Claudio Brutto appeared on behalf of the application

Committee member Patrick Sampson asked if there would be additional variance applications in the future.

Claudio Brutto stated no.

Committee member Tom Gutfreund had no objection to the application and asked the future developer to provide a robust tree planting program on the properties.

**Moved By: Tom Gutfreund
Seconded By: Patrick Sampson**

THAT Application No B/003/21 be approved subject to conditions contained in the staff report.

Resolution Carried

2. B/007/21

**Owner Name: Andrin Wismer Homes Ltd.
Agent Name: Groundswell Urban Planners (Nour Bedas)
5430 16th Avenue, Markham
CON 7 LOT 16 65R26001 PTS 2 AND 5**

For provisional consent to:

- a) Establish an access easement on 5430 16th Avenue (Part 1 on 65R-39410) in favor of 5440 16th Avenue.
- b) Establish an access easement on 5440 16th Avenue (Part 2 on 65R-39410) in favor of 5430 16th Avenue.
- c) Establish a servicing easement on 5440 16th Avenue (Part 1 on 65R-38299) in favor of 5430 16th Avenue.

The applicant is continuing to work toward securing approval for their proposed developments with staff. The applicants need to secure the proposed easements prior to issuance of site plan approval for the proposed development. The proposed easements should reflect staff comments. **(East District, Ward 4)**

**Relates to B/008/21*

The Secretary-Treasurer introduced the application.

Nour Bedas appeared on behalf of the application

Committee member Jeamie Reingold stated she is supportive of the application.

Moved By: Jeamie Reingold

Seconded By: Tom Gutfreund

THAT Application No B/007/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. B/008/21

Owner Name: The Bridge, A Markham Community Church (Brian Childs)

Agent Name: Groundswell Urban Planners (Nour Bedas)

5440 16th Avenue, Markham

CON 7 LOT 16 65R37416 PART 2 65R38299 PAR T 1

For provisional consent to:

- a) Establish an access easement on 5430 16th Avenue (Part 1 on 65R-39410) in favor of 5440 16th Avenue.
- b) Establish an access easement on 5440 16th Avenue (Part 2 on 65R-39410) in favor of 5430 16th Avenue.
- c) Establish a servicing easement on 5440 16th Avenue (Part 1 on 65R-38299) in favor of 5430 16th Avenue.

The applicant is continuing to work toward securing approval for their proposed developments with staff. The applicants need to secure the proposed easements prior to issuance of site plan approval for the proposed development. The proposed easements should reflect staff comments. **(East District, Ward 4)**

**Relates to B/007/21*

The Secretary-Treasurer introduced the application.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No B/008/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. B/011/21

Owner Name: Simon Wai Kin Tong and Christina Chui Lin Tong
Agent Name: Henry K. Hui & Associates (Mr. Henry Hui)
42 Herrick Place, Markham
PLAN 65M2629 PT BLK 108 PLAN 65M2599 PT BLK 101 RS65R12946
PARTS 5 TO 8

- a) To obtain certificate to register upon transfer. The subject lands of 42 Herrick Place, Markham consists of two PINs: 02939-0176(LT) for Parts 6 & 8; and 02939-0366(LT) for Parts 5 & 7. Separate transfers for the two PINs contravenes the Planning Act provision regarding Part Lot Control (the exemption for this Subdivision was repealed by By-Law 57-97, registered on 1997/04/18 as LT1169954), it is therefore necessary to repair this contravention by the present transfer.
- b) TONG, Christina Chui-Lin, TONG, Simon Wai-Kin and LO, Pao Lin, acting together, transfers 02939-0176 (LT) and 02939-0366 (LT) in one instrument to Christina and Simon and therefore it validates the two previous partial transfers that contravened the Planning Act.

We are the solicitors for the owner of the subject property. They are selling the property and have discovered the previous transfer of title as described below is in contravention of the Planning Act. We wish to submit an application for the Validation of Title, on our client's behalf, to obtain certificate to register upon transfer. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No B/011/21 be deferred sine die.

Resolution Carried

5. A/031/21

Owner Name: Santajirao Patankar and Trupti Patankar
Agent Name: KBK Studios Inc. (Kyle Khadra)
2 Sir Ector Court, Markham
PLAN M1377 LT 27

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 (iii):**
a maximum depth of 18.31 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.96 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) Section 11.2 (c)(i):**
stairs to encroach 21.0 inches (0.53 m) into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 inches (0.46 m) into a required yard;

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

The Secretary-Treasurer introduced the application.

Kyle Khadra appeared on behalf of the application.

Phil Brown of 8 Sir Ector Court spoke on the application. He believed this proposal is an overbuild for the size of this lot.

John Nash of 4 Sir Ector Court spoke on the application. He believed the building will be super imposing on his property.

Committee member Patrick Sampson indicated that the variance presented will create excessive space on the parcel of land.

Committee member Tom Gutfreund indicated that the application meets the height development standard, and that all of the variances are typical to other variances presented at committee, and are minor in nature.

Mr. Khadra summarised the changes made from the previous owner. He stated he would make changes, if the committee requested.

Committee member Tom Gutfreund stated that he is satisfied with the changes made from the previous application.

The Chair stated that community members did provide letters of opposition, but the letter predated the revised drawings.

Committee member Jeamie Reingold indicated that she does not have issues with the application.

Committee member Sally Yan indicated that she understands the proposal and supports it.

Moved By: Tom Gutfreund
Seconded By: Sally Yan
Tom Gutfreund, Jeamie Reingold, Kelvin Kwok
Opposed By: Patrick Sampson

THAT Application No A/031/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/035/21

Owner Name: Neil Tenn
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 177-96 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;

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

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/035/21 be deferred sine die.

Resolution Carried

7. A/063/21

Owner Name: Lenny Lesmana Ng
Agent Name: Yue Li
132 Dundas Way, Markham
PLAN 65M4454 PT BLK 1 RP 65R35904 PT 69

The applicant is requesting relief from the requirements of By-law 177-96 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 not be higher than the floor level of the first storey of the main building;
- b) By-law 177-96, Section 6.2.1 b):**
a deck with a maximum rear yard projection of 3.65 m, whereas the By-law permits a deck with a maximum rear yard projection of 3.0 m;

as it relates to proposed deck attached to back of house. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Serena Li appeared on behalf of the application.

Neil Tenn of 8 Wideman Lane supports the deck.

Committee member Jeamie Reingold indicated she supports the application.

Committee member Tom Gutfreund asked about the building permit process.

Committee member Patrick Sampson asked about the privacy of the adjacent neighbours.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund
Patrick Sampson, Kelvin Kwok, Sally Yan

THAT Application No A/063/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/090/21

Owner Name: JOHNSON BAOFEN LI
Agent Name: KCCL Architect Inc (Kelvin Lo)
124 Dundas Way, Markham
PLAN 65M4454 PT BLK 1 RP 65R35904 PT 73

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

a) By-law 177-96, Section 6.2.11 (b)(iii):

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

as it relates to a proposed deck in rear yard. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Kelvin Lo appeared on behalf of the application.

Committee member Tom Gutfreund stated he believes that other properties will do similar variances as well.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No A/090/21 be approved subject to conditions contained in the staff report.

Resolution Carried

9. A/118/21

Owner Name: SIBTAIN RAZA BAWA
Agent Name: Rockim Design Inc. (Rock Kim)
61 Peter Street, Markham
PLAN 3905 LOT 12

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

- a) By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.56 m, whereas the By-law permits a maximum building height of 9.8 m;
- b) By-law 99-90, Section 1.2 (ii):**
a maximum building depth of 17.0 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

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

The Secretary-Treasurer introduced the application.

Rock Kim appeared on behalf of the application.

Tom Gutfreund inquired about the floor area ratio and supports the application.

Rock Kim clarified the floor area ratio.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/118/21 be approved subject to conditions contained in the staff report.

Resolution Carried

10. A/119/21

Owner Name: Michael Tadros
Agent Name: Gregory Design Group (Shane Gregory)
329 Main Street North, Markham
CON 8 PT LOT 15

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

- a) **By-law 1229, Section 1.2 (iii):**
a maximum building depth of 25.75 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) **By-law 1229, Section 11.2 (c):**
an unenclosed porch and stairs to encroach 13'3" into the required front yard, whereas the By-law permits a maximum of 18";
- c) **By-law 28-97, Section 6.2.4.4 a) iii):**
a driveway located 2'11" from the interior side lot line, whereas the By-law requires 4';

as it relates to construction of a new two storey rear addition and front porch addition to an existing two storey dwelling. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Russ Gregory appeared on behalf of the application.

Tom Gutfreund supports the application.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/119/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by Patrick Sampson
Seconded by Jeamie Reingold

THAT the virtual meeting of Committee of Adjustment be adjourned 8:12 PM, and the next regular meeting will be held October 6, 2021.

CARRIED

Committee of Adjustment Minutes
Wednesday, September 22, 2021



Acting Secretary-Treasurer,
Committee of Adjustment



Chair