



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

September 25, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 17th regular meeting of the Committee of Adjustment for the year 2019 was held at the time and place above with the following people present:

| | <u>Arrival Time</u> |
|-----------------------|---------------------|
| Jeamie Reingold | 7:30PM |
| Tom Gutfreund | 7:30PM |
| Arun Prasad | 7:30PM |
| Sally Yan | 7:30PM |
| Patrick Sampson | 7:30PM |
| Gregory Knight, Chair | 7:30PM |

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

Regrets
Kelvin Kwok

Minutes: September 11, 2019

THAT the minutes of Meeting No. 16 of the City of Markham Committee of Adjustment, held September 11, 2019, be

- a) Approved as submitted, on September 25, 2019

Moved By: Arun Prasad
Seconded By: Sally Yan

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. **A/06/18**

**Owner Name: Trina Kollis
Agent Name: Gregory Design Group (Russ Gregory)
15 Wales Ave, Markham
PLAN 1318 LOT 21**

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 building depth of 17.50 m (57.41 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Floor Area Ratio of 51.8 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He indicated that this application had previously been deferred. Subsequently, changes have been made to the proposal. The new proposal is now more conducive for this parcel.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. There is an open to below area which isn't captured as part of the Planning report analysis. The visual impact is quite substantial. It appears the Planning report is not completely supportive of the application.

David Johnston represents his daughter's property adjacent to this subject parcel. Sun shade will be impacted by this proposal. The previous Committee Chair had indicated the variance requests should be reduced in magnitude. However, this new proposal does not appear to have achieved that.

Mr. Gregory responded that the proposal is for a two storey house. The proposal will be complimentary for this neighbourhood. The property is not in a heritage district

and the Heritage Markham committee has not deemed the property to be preserved for cultural heritage attributes.

Committee member Tom Gutfreund states the massing is still too large. Comments as proffered by the Committee do not appear to have been incorporated into this new proposal.

Committee member Jeamie Reingold indicated while the design is positive, the visual massing is still considerable.

Russ Gregory responded comments that design is not the primary element to be considered by the Committee. However, a reduction of the roofing was provided as alternative.

Moved By: Jeamie Reingold
Seconded By: Tom Gutfreund

THAT Application No. A/06/18 be deferred sine die.

Resolution Carried

NEW BUSINESS:

1. A/84/19

Owner Name: 1113899 Ontario Limited
Agent Name: David Johnston Architect Ltd. (David Johnston)
1113899 Ontario Limited 5328 7 Hwy, Markham
PL 3965 LT 8 9 ROW 65R7143 PTS 2 4

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

- a) **Amending By-law 326-82, Section 1.2 (b):**
a Commercial School, whereas the By-law does not permit a Commercial School;
- a) **Amending By-law 326-82, Section 1.2 (c)(vii)(b):**
zero (0) loading dock and loading spaces, whereas the By-law requires two (2) loading spaces;

as it relates to an existing commercial building. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent David Johnson appeared on behalf of the application.

Committee member Jeamie Reingold inquired what type of commercial school.

Mr. Johnston responded it is a computer coding school for children. The school faces towards rear and west side.

Committee member Arun Prasad asked how many staff members.

Mr. Johnston stated approximately 4-6 staff members. They do not believe parking would be impacted at the site.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No. A/84/19 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/88/19

Owner Name: Mohammad Javad Nahvi
Agent Name: RICHARD WENGLE ARCHITECT (Andrew Dean)
1 Sunflower Crt, Thornhill
PLAN M899 LOT 36

The applicant is requesting relief from the requirements of By-law 1767 as amended to permit:

- a) Amending By-law 100-90, Section 1.2(i) - Building Height:**
a maximum building height of 10.65 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) Section 14(i)(e) - Rear Yard Setback:**
a minimum rear yard setback of 44 feet 9 1/2 inches, whereas the By-law requires a minimum rear yard setback of 50 feet;
- c) Amending By-law 100-92, Section 1.2(iii) - Building Depth:**
a maximum building depth of 22.29 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- d) Section 9(i) - Permitted Yard Encroachment:**

a maximum unenclosed front porch encroachment of 56.5 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required front yard;

as it relates to a proposed two-storey dwelling. This application is related to a previously approved minor variance application (A/42/18), in which the proposal and variances have subsequently been revised. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Richard Wengle appeared on behalf of the application. The height variance is being requested partially due to the grades of the property.

Oksana Kovtun of 54 Laureleaf Road spoke in relation to the application. This proposal appears to be partially acceptable design.

Gert Fromhold of 27 Daffodil Crescent indicated he is also representing resident of 29 Daffodil Crescent who could not attend. The design is acceptable, however, height is not acceptable. The height proposed here should also be tied to approval of 3 Sunflower's minor variance.

Gary Weiss of 4 Sunflower Court spoke in support of the application. The design is appropriate for the area.

Mr. Wengle responded that 3 Sunflower Court should not be tied to the proposal at hand. He also stated staff are supportive of the proposal. Extensive landscape treatment will be done on site as well.

Committee member Tom Gutfreund referenced an email of a resident and that they have no objection subject to tree plantings.

Mr. Wengle acknowledged that they will do that.

Committee member Jeamie Reingold inquired if more substantial plantings could be done.

Mr. Wengle planting could be explored.

Committee member Sally Yan referenced 3 Sunflower was not supported by her as design was not appropriate. This proposal is not as incompatible in relation to the site context.

Moved By: Arun Prasad
Seconded By: Sally Yan

THAT Application No. A/88/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/89/19**

Owner Name: Mohammad Mosleh
Agent Name: Ali Goudarzi
68 Poinsetta Drive, Thornhill
PLAN M1095 Lot 91

The applicant is requesting relief from the requirements of By-law 1767 as amended to permit:

- a) Infill By-law 100-90, Section 1.2 (vi):**
a floor area ratio of 53.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;
- b) Infill By-law 100-90, Section 1.2 (i):**
a building height of 9.58 metres, whereas the By-law permits a maximum building height of 8.6 metres;
- c) Infill By-law 100-90, Section 1.2 (iii):**
a building depth of 17.4 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

The Secretary-Treasurer introduced the application.

The agent Ali Goudarzi appeared on behalf of the application. They had also a petition signed by 5 neighbouring residents in support of the application.

Committee member Tom Gutfreund indicated it appears variance A is for 53.5 and not 56.9%. Is drawings consistent

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No. A/89/19 be approved subject to conditions contained in the staff report.

Resolution Carried

MOTION TO ADJOURN

**Moved by Arun Prasad
Seconded by Sally Yan**

THAT the meeting of Committee of Adjustment be adjourned at 9:00 p.m., and the next regular meeting will be held on October 9, 2019.



Secretary-Treasurer,
Committee of Adjustment

CARRIED


Chair