



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

February 20, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 3rd 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>
Gregory Knight	7:30PM
Philip Gunn, Chair	7:30PM
Gary Mueller, Vice Chair	7:30PM
Jeannie Reingold	7:30PM
Tom Gutfreund	7:30PM
Gregory Knight	7:30PM

Justin Leung, Secretary-Treasurer
Melissa Leung, Committee of Adjustment Technician
Geoff Day, Senior Planner, Zoning and Special Projects

Absent
Arun Prasad

Minutes: February 6, 2019

THAT the minutes of Meeting No. 2 of the City of Markham Committee of Adjustment, held February 6, 2019, be

- a) Approved as submitted, on February 20, 2019

Moved By: Jeannie Reingold
Seconded By: Gregory Knight

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/167/18

Owner Name: Jie Zhou
Agent Name: Vince Emam Jomeh
41 Hawkridge Ave, Markham
PLAN 4065 PT LOT 7

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

- a) **In-fill By-law 99-90, Sec. 1.2 (vi):**
a maximum floor area ratio (FAR) of 49.96 percent, whereas the By-law permits a maximum FAR of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Claudio Brutto appeared on behalf of the application. Mr. Brutto indicated the application had been deferred twice previously. Changes have been made to the proposal. The neighbourhood is in transition with other new builds in the immediate area. The mansard roof has been reduced. Large chimney stack has been removed.

Liz Brown of 65 Lincoln Green Drive appeared in opposition to the application. The roofline does not appear to have been changed. The visual massing still appears to be quite prominent at the street line.

Committee member Tom Gutfreund feels changes to proposal make it more acceptable.

Committee member Jeamie Reingold concurred with this and asked number of steps leading to proposed house.

Mr. Brutto responded it was 5 steps. He also responded changes to side elevation could be improved.

Committee member Gregory Knight asked about potential trees to be removed.

Secretary-Treasurer responded that if application is approved, there are tree-related conditions.

Committee member Jeamie Reingold stated that design could still be improved upon.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/167/18 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

NEW BUSINESS:

1. **A/05/19**

Owner Name: Gabriele & Stephen Tar
Agent Name: Shane Gregory
175 Main St, Markham
PLAN 18 PT LOT 4 BLK K

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

a) Amending By-law 53-94, Section 1.2(k):

a sign for a business in the front yard, whereas the By-law does not permit a business sign;

as it relates to a home occupation within an existing residential dwelling. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The applicant was not in attendance at the meeting. The application was recommended to be deferred.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/05/19 be deferred sine die.

Resolution Carried

2. A/06/19

**Owner Name: Kevin & Anita Guidolin
Agent Name: Memar Architects INC (Lucy Mar Guzman)
25 Talisman Cres, Markham
PLAN 4877 LOT 38**

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 18.64 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

b) Section 11.2 (c) (i):

a maximum front step encroachment of 5.3 feet into the minimum front yard setback, whereas the By-law permits a maximum 18 inch encroachment for steps into any required yard;

c) Section 11.1:

a maximum lot coverage of 36.7 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

d) Infill By-law 99-90, Section 1.2 (vi):

a maximum Net Floor Area Ratio of 54.1 percent, whereas the By-law permits a maximum Net 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 appeared on behalf of the application. He indicated lot coverage could be removed if Committee wanted that. There are sufficient side yard setbacks. Local councillor was agreeable to the design.

Beverly Brown of 24 Paramount Road spoke in opposition to the application. She indicated architect sent a letter to residents which was misleading. Houses should be built according to in-fill by law.

Mariah Leh of 27 Talisman Crescent spoke in opposition to the application. Ms Leh described how significant changes were occurring in the neighbourhood.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She indicated that 4 variance requests is excessive. 5 Talisman Crescent was built without variances required.

Mika Usar of Talisman Crescent spoke in opposition to the application. She feels this house is too large. Ms. Usar inquired about potential flooding issues. She wonders if this in fill houses would add to this issue in the neighbourhood.

The Chair asked about the net floor area request.

The agent responded that the applicant is having another baby so hence this request.

Committee member Gary Muller expressed concern to approach of the development. He believes application could be deferred to make improvements.

Committee member Jeamie Reingold indicated building into attic can be done if acceptable. However, changes to the proposal could be made.

Moved By: Gary Muller
Seconded By: Jeamie Reingold

THAT Application No. A/06/19 be deferred sine die.

Resolution Carried

3. A/07/19

Owner Name: Aris Nurmohamed
Agent Name: Lasonne Engineering Limited (Daniel Falzon)
127 Smoothwater Terr, Markham
PLAN 65M4008 LOT 275

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

a) Section 5.3 (b):

a maximum deck projection of 6.12 metres from the wall closest to the rear lot line, whereas the By-law permits a maximum deck projection of 3 metres from the wall closest to the rear lot line for decks with a height greater than 1 metre;

as it relates to an existing rear deck of a residential dwelling. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Daniel Falzon appeared on behalf of the application.

Committee member Tom Gutfreund asked if this was an existing deck.

Mr. Falzon said it is existing for last 10 years.

Moved By: Gregory Knight
Seconded By: Jeannie Reingold

THAT Application No. A/07/19 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

4. A/08/19

Owner Name: JOHN GIDEON
Agent Name: Black Pearl Custom Homes Inc (Soodeh Salehin)
45 Wildrose Cres, Thornhill
PLAN M899 PT LTS 74 & 75 66R2319 PTS 4 & 38

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 (iii):

a maximum building depth of 17.74 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Section 12 (iv)(a):

a minimum front yard setback of 27 feet (8.22 metres), whereas the By-law requires the front yard of a dwelling to be erected between two existing building shall comply with the corresponding yards of the two existing buildings of 32.7 feet (9.9 metres);

c) Amending By-law 100-90, Section 1.2 (i):

a maximum building height of 10.46 metres, whereas the By-law permits a maximum building height of 9.8 metres;

as they relate to a proposed residential dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Soodeh Salehin appeared on behalf of the application. Ms. Salehin stated they are looking to have French chateau style house. The design is also being proposed to get a better interior layout.

Committee member Tom Gutfreund asked about proposed house elevation similar to adjacent house.

Ms. Salehin indicated that it would be similar to neighbouring houses. She also stated that they are requesting variance as it is to achieve a more desirable design.

Moved By: Tom Gutfreund
Seconded By: Gregory Knight

THAT Application No. A/08/19 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

5. **A/09/19**

Owner Name: Guard Me / 1984427 Ontario Inc. (Keith Segal)
Agent Name: De-Zine International Consulting Ltd. (Lloyd Segal)
Guard Me / 1984427 Ontario Inc.
80 Allstate Pky, Markham
PL M2029 PT BLK 11 65R11471 PTS 1-6

a) **Section 6.4.1 (c)(i):**

one fast food restaurant as an accessory use within an existing office building, whereas the By-law does not permit fast food restaurants within a business office building;

as it relates to a proposed fast food restaurant within an existing office building.
(West District, Ward 2)

The Secretary-Treasurer introduced the application.

The agent Lloyd Segal appeared on behalf of the application.

Moved By: Tom Gutfreund
Seconded By: Gary Muller

THAT Application No. A/109/19 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

6. A/10/19

Owner Name: Cunrui Li
Agent Name: AND Architecture Inc. (Sam Wu)
96 Briarwood Rd, Markham
PLAN M1714 LOT 92

The applicant is requesting relief from the requirements of By-law 11-72, as amended to permit:

a) Section 6, Schedule B:

a maximum building height of 28' 4-3/4', whereas the By-law permits a maximum height of 25 ft;

b) Section 6, Schedule B:

a minimum side yard setback of 4' 3/8' and 4' 3-1/2', whereas the By-law permits a minimum side yard setback of 6 ft;

as it relates to a proposed addition to a residential dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Sam Wu appeared on behalf of the application. Mr. Wu indicated their request is due to the grading on the site. They also have letter of support of a neighbour to the east of this property.

Committee member Jeamie Reingold expressed concern about setback and didn't know if she could support the application.

The agent responded setback relates to second storey whereas overall footprint unchanged.

Committee member Jeamie Reingold responded she now understood request more clearly and no longer oppose it.

Moved By: Gary Muller

Seconded By: Tom Gutfreund

THAT Application No. A/10/19 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

7. A/11/19

Owner Name: Robert Chung
39 Artisan Trail, Markham
PL 65M3670 PT BLK 136 65R27660 PT 6

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

a) Table B1 (G):

a minimum rear yard setback of 4.0 metres, whereas the By-law permits a minimum rear yard setback of 7.5 metres;

b) Table B1 (D):

a maximum garage width of 9.1 metres, whereas the By-law permits a maximum garage width on a lot that is not accessed by a lane to be 50 percent of the lot frontage (8.3 metres);

as it relates to a proposed residential dwelling. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

The applicant Robert Chung appeared on behalf of the application.

Committee member Tom Gutfreund inquired if this is a vacant lot.

Mr. Chung responded that it is.

Committee member Gary Muller asked about proposed 3 car garage. He also asked if additional landscape treatment could be done.

Mr. Chung stated that he has large family with mother living with them as well. He would also be preparing a landscape plan.

Moved By: Tom Gutfreund
Seconded By: Gregory Knight

THAT Application No. A/11/19 be approved subject to conditions contained in the staff report

Resolution Carried

8. **A/155/18**

Owner Name: Weimin Wang
Agent Name: PMP DESIGN INC. (MEHRAN HEYDARI)
44 Gainsville Ave, Markham
PLAN M1368 LOT 34

The applicant is requesting relief from the requirements of By-law 11-72, as amended to permit:

a) Section 6, Schedule B:

a minimum two-storey side yard setback of 4 ft (east) and 4 ft 7 in (west), whereas the By-law requires a minimum two-storey side yard setback of 6 ft;

b) Section 6, Schedule B:

a maximum lot coverage of 35.89 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

c) Section 3.7:

an unenclosed stair projected no more than 5 ft 4 1/2 in into the rear yard;

as it relates to a proposed residential dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Mehran Heydari appeared on behalf of the application. Mr. Heydari indicated that some previous variance requests were withdrawn after discussions with Planning staff.

Committee member Jeamie Reingold indicated this proposed home appears excessive.

Mr. Heydari responded that the design was to create a more useable interior living space and the impact to neighbouring properties is not significant.

Committee member Gary Muller indicated revised plans may be needed to show revised design of the 2nd floor.

Moved By: Gary Muller
Seconded By: Jeamie Reingold

THAT Application No. A/155/18 be deferred sine die.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

MOTION TO ADJOURN

Moved by Tom Gutfreund
Seconded by Jeamie Reingold

THAT the meeting of Committee of Adjustment be adjourned at 9:45 p.m., and the next regular meeting will be held on March 13, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair