



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

March 27, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 5th 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>
Philip Gunn, Chair	7:30PM
Gary Mueller, Vice Chair	7:30PM
Jeannie Reingold	7:30PM
Tom Gutfreund	7:30PM
Gregory Knight	7:30PM
Arun Prasad	7:30PM

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

Absent

Gregory Knight

Minutes: March 13, 2019

THAT the minutes of Meeting No. 4 of the City of Markham Committee of Adjustment, held March 13, 2019, be

- a) Approved as submitted, on March 27, 2019

Moved By: Tom Gutfreund

Seconded By: Jeannie Reingold

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

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

b) Section 6, Schedule B:

a maximum building height of 26 ft 9 in, whereas the By-law permits a maximum building height of 25 ft;

c) Section 3.7:

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

as it relates to a proposed residential dwelling. 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.

Committee member Tom Gutfreund asked if applicant had checked on zoning requirements for the proposal.

Mr. Heydari responded that a Zoning Preliminary Review had initially been done.

Moved By: Tom Gutfreund

Seconded By: Gary Muller

THAT Application No. A/155/18 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **A/168/18**

Owner Name: Yun Ling
Agent Name: AND Architecture Inc. (Sam Wu)
9 Lincoln Green Dr, Markham
PLAN 5810 LOT 100

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):

to permit a maximum floor area ratio of 49.8 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

b) Section 11.2(c)(i):

to permit steps to encroach 2 feet 9 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18 inches into any required yard.

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

The Secretary-Treasurer introduced the application.

The agent Sam Wu appeared on behalf of the application. Mr. Wu indicated comments made by the Committee have been incorporated into their new proposal.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown indicated flat roof design appears in many in fill developments of the area. The applicant does not appear to have made significant reduction in variance request. Massing on the house could benefit from being reduced in terms of depth.

Nancy Ling of 8 Lincoln Green Drive spoke in opposition to the application. Ms. Ling raised concerns that this proposal could result in subsequent similar designs in the neighbourhood.

Mr. Wu stated that the open to below space has been reduced.

Committee member Tom Gutfreund state he does not believe that 4 tests are being met.

Committee member Gary Muller asked reduction in net floor area, more sympathetic building materials and seek to eliminate porch encroachment.

Moved By: Tom Gutfreund
Seconded By: Gary Muller

THAT Application No. A/168/18 be deferred sine die.

Resolution Carried

3. 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) **Section 11.1:**
a maximum lot coverage of 35.58 percent, whereas the By-law permits a maximum lot coverage of 35 percent;
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum Net Floor Area Ratio of 48.53 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- c) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 9.99 m, whereas the By-law permits a maximum building height of 9.80 m;

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

The Secretary-Treasurer introduced the application.

The agent Sean Tusi spoke on behalf of the application. A letter of support was received for their proposal and presented to the Committee. They are now asking for variance c relating to building height to now be eliminated. A community meeting was had where they discussed with local residents.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown stated that there was not a unanimous agreement amongst residents on this variance request. Lot coverage variance request should not be approved.

Moved By: Gary Muller
Seconded By: Jeamie Reingold

THAT Application No. A/06/19 be approved subject to conditions contained in the staff report with variance c removed.

Resolution Carried

NEW BUSINESS:

1. A/129/17

**Owner Name: Ms Amy Cochrane
Agent Name: Gregory Design Group (Shane Gregory)
1 Markham St, Markham
PL 18 PT LT 3 BLK 1**

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

a) Amending By-law 99-90, Section 1.2 (vi):

a maximum Net Floor Area of 46.90 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

b) Section 11.1:

a minimum front yard setback of 4.70 m, whereas the By-law requires a minimum front yard of 25 ft (7.62 m);

c) Section 11.1:

a minimum rear yard setback of 1.22 m, whereas the By-law requires a minimum rear yard setback of 25 ft (7.62 m);

d) Section 11.2 (c) (i):

a maximum stair projection of 0.91 m, whereas the By-law permits a maximum projection of 18 in (0.45 m) into a required yard;

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

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application. A slightly larger garage is being proposed for some storage.

Moved By: Gary Muller

Seconded By: Jeamie Reingold

THAT Application No. A/129/17 be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/177/18

Owner Name: Paul Rae Dumaresq & Kelly DuMaresq
Agent Name: Antonio Visca Architect (Tony Visca)
33 Joseph St, Markham
PLAN 157 BLK R PT LOT 11 PT LOT 12 RP 65R33871 PT 1

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

a) Section 11.1:

To permit a minimum rear yard of 1.44 feet (0.44 m), whereas the By-law requires a minimum rear yard of 25 feet;

b) Section 11.1:

To permit a minimum interior side yard of 4 feet (1.2 m) for a two storey dwelling, whereas the By-law requires a minimum interior side yard of 6 feet;

as it relates to a proposed addition to an existing detached dwelling. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Tony Visca appeared on behalf of the application. The proposal has gone to Heritage Markham committee for their review.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

THAT Application No. A/177/18 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/17/19

Owner Name: 2453999 Ontario Inc. (Spartan Luxury Homes Inc.) (Mario Furfari)
Agent Name: Tai Architect Inc (Ken Tai)
2453999 Ontario Inc. (Spartan Luxury Homes Inc.) 28 Honeybourne Cres, Markham
PLAN 4949 LOT 103

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(i):

a maximum building height of 10.68 metres, whereas the By-law permits a maximum building height of 9.8 metres;

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

a maximum Floor Area Ratio of 49.8 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Ken Tai appeared on behalf of the application. Discussions with local councillor did occur. 5 immediate neighbours have signed a letter of support. Mr. Tai indicated due to the site characteristics some of these variances are necessary.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. It appears the floor area request remains unchanged.

Committee member Tom Guftreund commented that a reduction in the floor area could be beneficial for this proposal.

Committee member Gary Muller indicated could support proposal as is. However, could support revised variance of 48.2.

Mr. Tai indicated he can support this.

Moved By: Gary Muller

Seconded By: Tom Guftreund

THAT Application No. A/17/19 be approved subject to conditions contained in the staff report with variance B reduced to 48.2 percent.

Resolution Carried

4. A/18/19

Owner Name: William Fu

Agent Name: Gregory Designs (Ryan Gregory)

33 Eureka St, Markham

PLAN 335 PT LOT J

The owner (s) are requesting 1. To request relief to allow construction of new addition to existing residential dwelling in an (H) O Office zone. **THIS IS A PERMISSION APPLICATION** (expansion of existing legal non-conforming building). **(Heritage District, Ward 3)**

The Secretary-Treasurer introduced the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/18/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/19/19**

Owner Name: FUCAI WANG
Agent Name: Bill Ross & Associates (Bill Ross)
70 Chant Cres, Markham
PLAN M1440 LOT 32

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

a) Section 6, Schedule B:

a maximum lot coverage of 35.86 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

b) Section 6, Schedule B:

a maximum building height of 26 ft 5 in, whereas the By-law permit a maximum building height of 25 ft;

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

The Secretary-Treasurer introduced the application.

The agent Bill Ross appeared on behalf of the application. Mr. Ross indicated he believes the proposal is minor in nature.

Luis Trant appeared on in opposition to the application. Mr. Trant inquired if rear elevation could be visible to his property.

Mr. Ross responded that only upper storey windows will be visible.

Committee member Jeamie Reingold stated the tall walls as proposed not compatible with the neighbourhood aesthetics.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

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

Resolution Carried

6. A/20/19

**Owner Name: Anna Cribari
Agent Name: Kevin Cribari
28 Abercorn Rd, Markham
PLAN 4949 LOT 57**

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 maximum Net Floor Area ratio of 49.6 percent, whereas the By-law permits a maximum Net Floor Area ratio of 45 percent;
- b) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 18.92m, whereas the By-law permits a maximum building depth of 16.8m;

as it relates to a proposed new residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Kevin Cribari appeared on behalf of the application.

Liz Brown of 65 Lincoln Green Drive appeared in opposition to the application. This appears to be a two storey house. Visual mass appears quite large. Trees on property appear to be impacted.

Committee member Gary Muller inquired about the roof design.

Mr. Cribari indicated roof design has been done for other homes in the area. He also indicated that the rear of property fronts at Bullock Drive so visual impact on that side not as significant.

Committee member Jeannie Reingold indicated some good elements in proposal but some changes could be made.

The Chair indicated that the overall size is large.

**Moved By: Gary Mueller
Seconded By: Arun Prasad**

THAT Application No. A/20/19 be deferred sine die.

Resolution Carried

7. A/21/19

Owner Name: Xiao Huang
Agent Name: Battaglia Architect Inc (Joe Battaglia)
14 Worsley Crt, Markham
PLAN 7566 LOT 183

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

a) Section 6, Schedule B:

a maximum height of 26 ft 6 in, whereas the By-law permits a maximum height of 25 ft;

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

The Secretary-Treasurer introduced the application.

The agent Joe Battaglia appeared on behalf of the application.

Ian Creek of 143 Kreighoff Avenue appeared in opposition to the application. Mr. Creek stated that there are grade differentials on site and appears could be drainage issue. He also mentioned that the roof trusses as encroach could appear for additional variance. It does not appear the four tests are being met.

Christiane Bergauer-Free of 145 Kreighoff Avenue spoke in opposition to the application. Trees appear to be impacted. 22 Worsley Court appeared to have been rebuilt. These are comments of another neighbouring resident she is presenting. For her own comments, indicating on how in fill houses in the area are of similar design. These new house designs are incompatible for the area.

Craig Girdwoodis adjacent neighbour spoke in opposition to the application. Has concerns about compatibility of the proposal.

Mr. Battaglia stated that building height variance is only one being asked.

Committee member Tom Gutfreund asked if certain changes to reduction could occur relating to 18 inches.

Mr. Battaglia responded that the neighbourhood is in transition.

The Chair asked possibly adding condition with planting to assist with drainage and with permeable driveway.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

Tom Gutfreund and Gary Muller opposed

THAT Application No. A/21/19 be approved subject to conditions contained in the staff report with added condition with tree planting and permeable driveway.

Resolution Carried

8. B/04/19

Owner Name: Amica Unionville Inc. (Kathryn Randle)
Agent Name: Bousfields Inc. (David Huynh)
Amica Unionville Inc.
34 Main St, Unionville
CON 5 PT LOT 9

The owner is requesting:

a) establish easements on the subject property to facilitate shared driveways for vehicular and pedestrian access, building maintenance, and fire routes in favour of the lands to the immediate south (28 Main Street).

This application is related to consent application B/05/19. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent David Huynh appeared on behalf of the application.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. B/04/19 be approved subject to conditions contained in the staff report.

Resolution Carried

9. B/05/19

**Owner Name: Onepiece Ideal (MS) Developments Inc. (Attn: Jiajia Zhao)
(Adam Liu)**

**Agent Name: Bousfields Inc. (David Huynh)
Onepiece Ideal (MS) Developments Inc. (Attn: Jiajia Zhao)
28 Main St, Unionville
CON 5 PT LOT 9 65R36917 PARTS 5, 6 AND 7**

The owner is requesting:

a) establish easements on the subject property to facilitate shared driveways for vehicular and pedestrian access, building maintenance, and fire routes in favour of the lands to the north (34 Main Street).

This application is related to consent application B/04/19. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

**Moved By: Tom Gutfreund
Seconded By: Arun Prasad**

THAT Application No. B/05/19 be approved subject to conditions contained in the staff report.

Resolution Carried

New Business

- The Secretary-Treasurer indicated that moving forward, the Committee will be provided updates on Committee of Adjustment applications which have been appealed to the Local Planning Appeal Tribunal (LPAT). The Committee was informed about minor variance A.36.18 – 2915 Bur Oak Avenue which had been refused by the Committee. The applicant subsequently appealed this to LPAT. LPAT has issued a decision approving this application (to permit a four plex) subject to conditions attached to municipal staff report.

MOTION TO ADJOURN

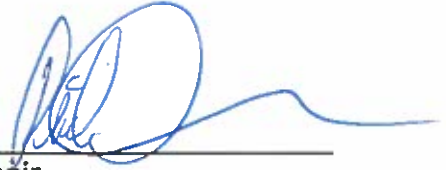
Moved by Gary Muller
Seconded by Arun Prasad

THAT the meeting of Committee of Adjustment be adjourned at 9:52 p.m., and the next regular meeting will be held on April 10, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair