



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

May 29, 2019
7:30 p.m.

COMMITTEE OF ADJUSTMENT

Minutes

The 9th 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, Chair	7:30PM
Jeannie Reingold	7:30PM
Tom Gutfreund	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM
Kelvin Kwok	7:30PM

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

Minutes: May 8, 2019

THAT the minutes of Meeting No. 8 of the City of Markham Committee of Adjustment, held April 10 2019, be

- a) Approved as submitted, on May 29, 2019

Moved By: Arun Prasad
Seconded By: Jeannie Reingold

Carried

DISCLOSURE OF INTEREST –

None

PREVIOUS BUSINESS:

1. A/107/18

**Owner Name: 2602860 Ontario Inc. (Mr Jack Zafran)
Agent Name: Georgio Lolos Designs (Georgio Lolos)
2602860 Ontario Inc.
63 Peter St, Markham
PLAN 3905 LOT 11**

The applicant is requesting relief from the requirements of By-law 99-90, as amended to permit:

a) Infill By-law 99-90, Section 1.2(i):

a maximum building height of 10.78 metres, whereas the By-law allows maximum building height of 9.8 metres;

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

a Net floor area ratio of 51.7 percent, whereas the By-law allows maximum net floor area ratio of 45 percent;

c) Section 6.1:

an accessory dwelling unit (basement apartment), whereas the By-law permits one detached dwelling on the lot;

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

The Secretary-Treasurer introduced the application.

The agent Georgia Lolos appeared on behalf of the application.

Liz Brown of 65 Lincoln Green Drive appeared in opposition to the application asked if drawings had been revised

Mr. Lolos responded that they are revising their proposal in a manner they feel is appropriate.

Committee member Tom Gutfreund inquired on changes to the proposal.

Mr. Lolos indicated they are making an on the spot reduction in the net floor ratio to 49.6 percent and reduction in building height to 10.1 metres. They have also removed 4 variance requests. There is also a secondary suite or in law suite in basement.

**Moved By: Jeamie Reingold
Seconded By: Patrick Sampson**

THAT Application No. A/107/18 be approved subject to the conditions contained in the staff report and for changes to Variance A in reduction to 10.14 metres and variance B reduction to 49.6 percent

Resolution Carried

2. 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 owner Kevin Cribari appeared on behalf of the application. Changes have been made to proposal including reduction in overall height.

Moved By: Tom Gutfreund

Seconded By: Arun Prasad

THAT Application No. A/20/19 be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. **B/23/18**

**Owner Name: Nam Ngok Leung & Yoshimi Diane Inouye
Agent Name: Alawn Lai
15 Noble St, Markham
PLAN 2440 PT LOT 3 PT LOT 4**

The owner is requesting to:

- a) sever and convey a parcel of land with lot frontage of 45.72 m and area of 3044.30 sq. m (Part 2);
- b) retain a parcel of land with lot frontage of 24.38 m and area of 1523.07 sq. m (Part 1).

The purpose of this application is to sever a portion of the existing residential property at 15 Noble Street to be conveyed to a proposed subdivision to the east. This application relates to consent B/09/18. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

Sevar Parnu appeared on behalf of the application. This and consent application B.09.19 are related. These had been at the Committee in 2014. They had received provisional consent at that time. May 2017 draft approved plan of subdivision had occurred for these lands. One of the owners did not agree to sign the subdivision agreement. Conveyed lands would not have frontage. As such, 23 Noble Street needed to be brought back to Committee as well.

Po Gren of 7 High Glen inquired on behalf of his friends about this application. The Secretary-Treasurer indicated if they want more information on an application they can come in to municipal offices during regular business hours.

Committee member Tom Gutfreund indicated that application fee should not be waived as substantial staff hours have been spent for this application. Other Committee members concurred with this.

**Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok**

THAT Application No. B/23/18 be approved subject to conditions contained in the staff report.

Resolution Carried

2. B/09/19

**Owner Name: Hua Chen & Jianhua Cheng
Agent Name: Alawn Lai
23 Noble St, Markham
PLAN 2440 PT LOT 24 AND PT LOT 25**

The owner is requesting to:

- a) sever and convey a parcel of land with lot frontage of 31.89 m and an approximate area of 1986.80 sq. m (Part 4);
- b) retain a parcel of land with lot frontage of 32.15 m and an approximate area of 0.20 ha (Part 3).

The purpose of this application is to sever a portion of the existing residential property at 23 Noble Street to be conveyed to a proposed subdivision to the east. This application is also related to consent B/23/18. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

Sevar Parnu appeared on behalf of the application. This and consent application B.09.19 are related. These had been at the Committee in 2014. They had received provisional consent at that time. May 2017 draft approved plan of subdivision had occurred for these lands. One of the owners did not agree to sign the subdivision agreement. Conveyed lands would not have frontage. As such, 23 Noble Street needed to be brought back to Committee as well.

Po Gren of 7 High Glen inquired on behalf of his friends about this application. The Secretary-Treasurer indicated if they want more information on an application they can come in to municipal offices during regular business hours.

Committee member Tom Gutfreund indicated that application fee should not be waived as substantial staff hours have been spent for this application. Other Committee members concurred with this.

**Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok**

THAT Application No. B/09/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/37/19**

Owner Name: Xu Wen Li & Aishan Lian
Agent Name: KBK Studios Inc. (Kyle Khadra)
15 Bewell Dr, Markham
PLAN 65M3976 BLK 226

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

a) Amending By-law 2006-220, Section 7.324(a):
a minimum rear yard setback of 1.04 m, whereas the by-law requires a minimum rear yard setback of 5.0 m;

as it relates to a proposed addition to a residential dwelling. **(Heritage District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Kyle Khadra appeared on behalf of the application. Mr. Khadra indicated this application had gone to Heritage Markham meeting and staff were supportive of the application.

Committee member Kelvin Kwok asked about rear yard setback.

Mr. Khadra indicated the location on a site plan.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. A/37/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/38/19**

Owner Name: MAX LUX INC (AMIR ADLI)
112 Highland Park Blvd, Thornhill
PLAN 2446 LOT 169

The applicant is requesting relief from the requirements of By-law 2237, as amended to permit:

a) Amending By-law 101-90, Section 1.2 (vii):

a maximum floor area ratio of 54.2 percent (3,594 sq.ft), whereas the By-law permits a maximum floor area ratio of 50 percent (3,313 sq.ft.);

b) Amending By-law 101-90, Section 1.2 (iv):

a maximum building depth of 18.39 m, whereas the By-law permits a maximum building depth of 16.8 m;

c) Amending By-law 101-90, Section 1.2 (i):

a maximum building height of 9.40 m, whereas the By-law permits a maximum building height of 8.6 m;

d) Section 3.7:

an unenclosed/unexcavated porch & eave front yard encroachment of 56 inches, whereas the By-law permits a maximum yard encroachment of 18 inches into the required yards;

e) Amending By-law 101-90, Section 6.1:

a minimum west side yard setback of 1.2 m, whereas the By-law requires a minimum interior west side yard setback of 1.8 m;

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

The Secretary-Treasurer introduced the application.

The agent Bill Ross appeared on behalf of the application. He indicated that he is looking to remove variance E. The setback variances have now been removed. He also states he does not believe the building height is significant.

Gordan Nazareth of 116 Highland Park Boulevard spoke in opposition to the application. Mr. Nasereh indicated the by-law is quite generous.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown inquires if the larger space is needed for a large family.

Tabun Burant of Grandview Residents Association spoke in opposition to the application. Mr. Burant asked if rationale was provided.

Elham Pour of 16 Woodward Avenue spoke in support of the application. Mr. Bur stated that minor variance process is to allow exception to the Zoning By-law.

Committee member Tom Gutfreund indicated he feels this proposal is generous. He also feels a proposed house must be compatible for a neighbourhood as well.

Mr. Ross indicated due to the grades at the property it makes it appear to be 3 storeys.

Committee member Jeamie Reingold inquired if front elevation could be revised. She commented it is the visual massing which could be reduced.

Mr. Ross responded there is a nearby house which is of a 'box' shape and with a flat roof.

The Chair indicated that the balcony has not been raised as an issue by any residents.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

THAT Application No. A/38/19 be deferred sine die.

Resolution Carried

5. **A/39/19**

Owner Name: Adrian Leandro
Agent Name: First Step Designs (Cindy McPhee)
20 Stone Jug Ave, Markham
PLAN 65M4375 PT BLK 112 RP 65R34970 PTS 26 AND 27

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

a) Section 7.432.2(b):

a minimum setback of 4.0m for a detached private garage from the main building on the lot, whereas the By-law requires a minimum setback of 5.0m;

b) Section 6.3.1.7(b):

a maximum lot coverage of 20.9 percent for a detached garage that is accessed by a lane, whereas the By-law permits a maximum lot coverage of 18 percent;

c) Parking By-law 28-97, Section 3:

0 parking space for the accessory dwelling unit, whereas the By-law requires 1 parking space;

as it relates to a proposed coach house. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Cindy McPhee appeared on behalf of the application. Ms. McPhee indicated some changes were made as part of discussion with staff.

Richard Lai of 303 White's Hill Avenue spoke in opposition to the application. Mr. Lai is concerned that rear yard setback changes could affect other houses in the area. The proposal for 0 parking is also concerning as well.

Committee member Jeannie Reingold commented that in further review of the application, she is concerned about the proposal.

Ms. McPhee stated that there are other coach houses in the area.

Committee member Tom Gutfreund feels the proposal is acceptable for this area.

Committee member Sally Yan stated that such a proposal is sensible as you have family members all living on same property. This would provide a range of housing options.

Committee member Arun Prasad indicated he is support of the application but that anyone residing in such a coach house would not have parking allocated.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No. A/39/19 be approved subject to conditions contained in the staff report.

Resolution Carried

6. **A/40/19**

Owner Name: Tanya DeGregorio-Boichevski and Tommy, Boris & Verka Boichevski
Agent Name: SDG Design (Stefano Di Giulio)
63 Fonthill Blvd, Markham
PLAN 7566 LOT 159

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

b) Section 6, Schedule B:

a minimum front yard setback of 24 ft, whereas the By-law requires a minimum front yard setback of 27 ft;

c) Section 3.7:

a minimum front uncovered porch and stair setback of 21 ft 1 in, whereas the By-law requires a minimum setback of 22 ft;

d) Section 6, Schedule B:

a maximum height of 27 ft 3 1/4 in, whereas the By-law permits a maximum height of 25 ft;

e) Section 3.7:

a maximum side yard eave projection of 2 ft, whereas the By-law permits a maximum eave projection of 1 ft 6 in;

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

The Secretary-Treasurer introduced the application.

The agent Stefano Di Giulio appeared on behalf of the application. He indicated that this neighbourhood has been in transition. Much of the external building is work of a decorative nature. Attempts is being made to protect trees on the property.

Angela Sit of 65 Fonthill Boulevard spoke in opposition to the application. Ms. Sit stated she had canvassed and did get signatures of neighbours in opposition to the application. Privacy seems to be a potential issue. New built houses are being built for resale.

Liz Brown of 65 Lincoln Green Drive stated that removal of shed could be beneficial.

Ian of 61 Fonthill Boulevard spoke in opposition to the application. He believes there is a trend of in-fill development in this area. There may be nuisance to area of this development.

Mr. Di Giulio indicated that he had research similar proposals in the area.

Committee member Tom Gutfreund believes these variances are minor in nature.

Mr. Di Giulio responded to potential privacy issue by stating that second storey windows are not connected to any interior rooms so would not be peering onto neighbouring properties.

Moved By: Jeamie Reingold

Seconded By: Arun Prasad

THAT Application No. A/40/19 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/42/19**

Owner Name: Primont (Cornell 2) Inc. (Joe Montesano)

Agent Name: Primont (Cornell 2) Inc. (Emma Barron)

Primont (Cornell 2) Inc.

7 Hwy, Markham

CON 9 PT LOT 11

The applicant is requesting relief from the requirements of By-law 177-96 and 304-87, as amended to permit:

a) Section 6.6.3(a):

stairs to encroach up to 0.55m into the interior side yard of the end units proposed within blocks 4 to 9 (12 units in total), whereas the By-law does not provide a provision for stairs to encroach into the interior side yard;

as it relates to a proposed townhouse development. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The applicant Emma Barton of Primont Homes appeared on behalf of the application. Rear road of property is designated fire route. An interior side yard door with steps had to be allocated for this thus this variance request.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/42/19 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/43/19

Owner Name: Elham Hassan Pour
Agent Name: Paar Design (Nikol Paar)
89 Woodward Ave, Thornhill
PLAN 2446 LOT 186

The applicant is requesting relief from the requirements of By-law 2237, as amended to permit:

a) Amending By-law 101-90, Section 1.2(i):

a maximum building height of 9.40 metres, whereas the By-law permits a maximum building height of 8.6 metres;

b) Amending By-law 101-90, Section 1.2(iv):

a maximum building depth of 18.49 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

c) Section 6.1:

a minimum side yard setback of 1.52 metres on both sides, whereas the By-law requires a minimum side yard setback of 1.8 metres on both sides;

d) Amending By-law 101-90, Section 1.2(viii):

a maximum floor area ratio of 55.3 percent (3,663 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,313 sq.ft.);

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

The Secretary-Treasurer introduced the application.

The agent Ivy Evangelista appeared on behalf of the application. The proposal is similar to others in the area. Regeneration is occurring in this area.

Cory Burathod of 87 Woodward Avenue spoke in opposition to the application. Ms. Burathod stated it shouldn't build over. Trees on this property should be preserved.

Tabun Burant of Grandview Residents Association spoke in opposition to the application. He stated reasons for variance are not clearly stated in application form. There is setback issues here. This is an established neighbourhood.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The proposal appears quite large and irregular shaped.

Ms. Evangelista responded that Engineering staff had commented on drainage. A grading plan would need to be prepared by the applicant. This is an area in transition. They will engage an arborist to assess the trees in the area.

Committee member Tom Gutfreund asked about open to below space. He also indicated that he does not support of the rear balcony.

Ms. Evangelista commented 70 square feet. She also indicated living wall could be put in the rear.

Committee member Jeamie Reingold stated that on side elevation the window and roof design could be revised. Flooding is an issue.

Committee member Arun Prasad commented that they are not qualified as designers. He inquired if it is a walk up. He believes design and proposal is suitable and supportable.

Ms. Evangelista commented the balcony could be removed

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. A/43/19 be approved subject to conditions contained in the staff report and that second storey balcony be removed.

9. **A/44/19**

Owner Name: Bicheng Wang
Agent Name: Modular Home Additions Inc (Milan Lukovic)
30 Rothsay Rd, Thornhill
PLAN 7695 LOT 403

The applicant is requesting relief from the requirements of By-law 2150, as amended to permit:

a) Section 6.1 (Building Height):

a maximum building height of 25 ft 9 in, whereas the By-law permits a maximum building of 25 ft from established grade to the mean level between the eaves and the ridge of the sloping roof;

b) Section 6.1 (Side Yard Setback):

a minimum westerly side yard setback of 4.56 ft (1.39 m), whereas the By-law requires a minimum side yard setback for a 2nd storey of 6 ft (1.82) on each side;

c) Section 3.7 (Permitted Yard Encroachment):

a maximum unenclosed roofed porch encroachment of 60 in, whereas the By-law permits a maximum encroachment of 18 in into the required front yard setback;

as it relates to a proposed second storey addition to an existing single detached residential dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Milan Lukovic appeared on behalf of the application.

Committee member Sally Yan sees proposal is acceptable.

Moved By: Sally Yan

Seconded By: Patrick Sampson

THAT Application No. A/44/19 be approved subject to conditions contained in the staff report.

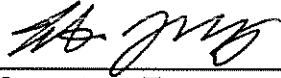
MOTION TO ADJOURN

Moved by Arun Prasad

Seconded by Kelvin Kwo

THAT the meeting of Committee of Adjustment be adjourned at 10:04 p.m., and the next regular meeting will be held on June 12, 2019.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair

PER ACTING CHAIR

TOM GUTFREUND