

# Memorandum to the City of Markham Committee of Adjustment

October 07, 2022

**File:** A/132/22  
**Address:** 6 Wignall Crescent, Markham ON  
**Applicant:** Vanle Architect Inc. (Tom Vanle)  
**Agent:** Vanle Architect Inc. (Tom Vanle)  
**Hearing Date:** Wednesday October 19, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

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

a maximum floor area ratio of 49.98 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent; and

**b) Amending By-law 99-90, Section 1.2 (i):**

a maximum height of 10.49 metres, whereas the By-law permits a maximum height of 9.80 metres.

## BACKGROUND

The application was deferred sine die by the Committee of Adjustment (the “Committee”) at the initial hearing on September 21, 2022 to provide the applicant an opportunity to address matters relating to the size and massing of the proposed dwelling, as referenced in the Minutes Extract (Appendix “D”). The initial variances requested are identified in the Staff Report dated September 9, 2022 (Appendix “C”).

## COMMENTS

On September 27, 2022, the applicant submitted revised drawings. From the initial variances requested, reductions have been made to the floor area ratio and height by 3.01% and 0.78m (2.56 ft) respectively. The building depth variance has been eliminated due to the reduction in floor area. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development.

Staff continue to maintain the opinion that the proposed floor area ratio will not result in an overdevelopment of the site. The requested variance will facilitate the construction of a two-storey detached dwelling with an integral two car garage with an approximate total gross floor area of 362.22 m<sup>2</sup> (3,898.90 ft<sup>2</sup>), a reduction of approximately 21.85 m<sup>2</sup> (235.19 ft<sup>2</sup>) from the initial requested variance. In regards to the building height variance, the applicant is requesting a maximum building height of 10.49 m (34.42 ft), a reduction of 0.78m (2.56 ft) from the initial requested variance. Staff are of the opinion that the requested variance is a minor increase in height that will not adversely impact neighbouring properties.

## **PUBLIC INPUT SUMMARY**

As of September 19, 2022, the City received four (4) letters expressing concerns over massing and scale of the proposed dwelling and its impacts to the streetscape. No new written submissions were received as of October 7, 2022. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

## **CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance requests meets the four tests of the Planning Act. Staff recommend that the Committee consider public input and the recommended conditions of approval in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/22**

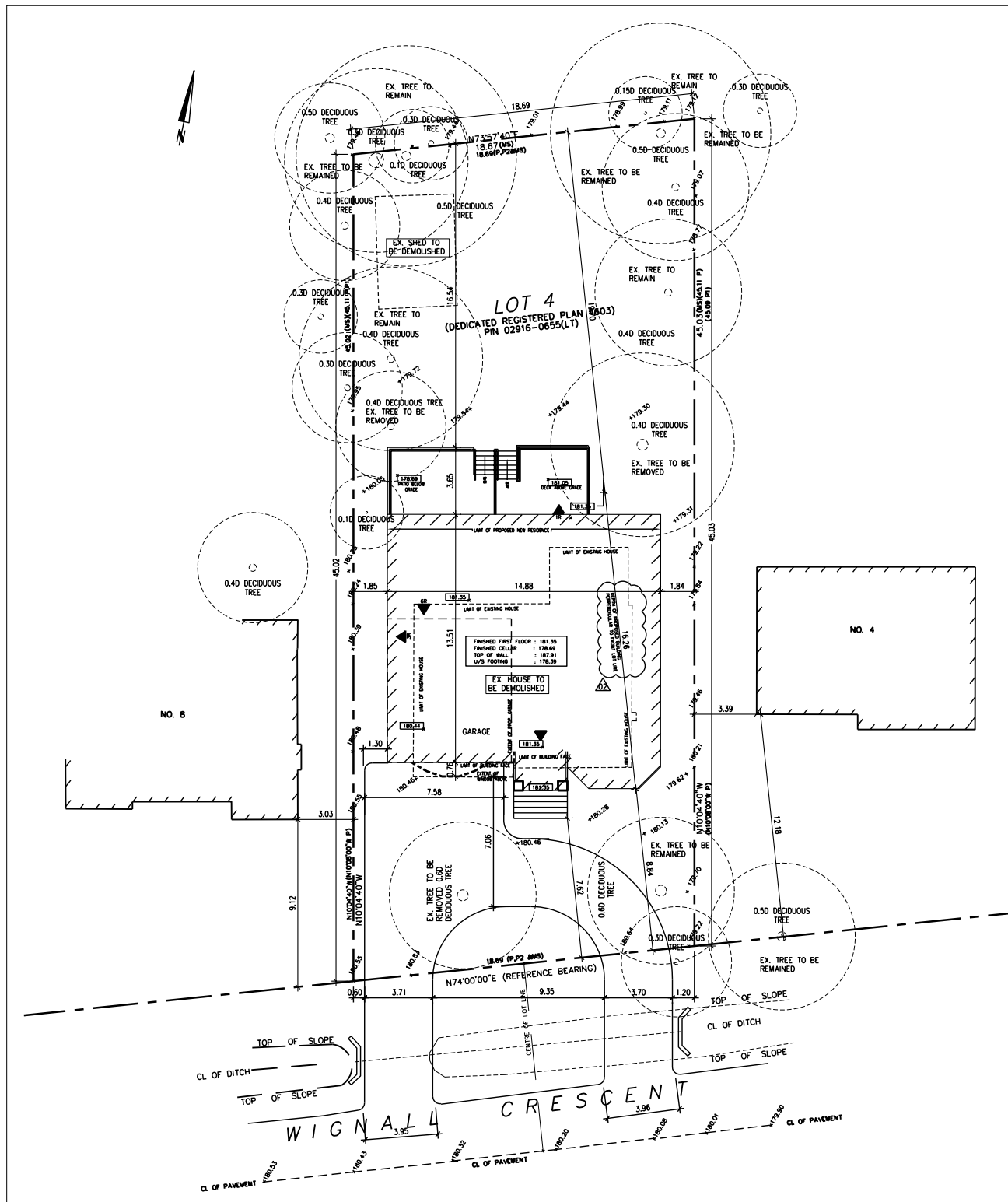
**APPENDIX "C"**  
**STAFF REPORT DATED SEPTEMBER 9, 2022**

**APPENDIX "D"**  
**MINUTES EXTRACT**

# Appendix B

File: 22.247876.000.00.MNV

Date: 10/14/22  
MM/DD/YY



SITE STATISTICS:  
PROPERTY CODE: INFILL HOUSING  
ZONING CATEGORY: R1 - RESIDENTIAL  
ADDRESS: 6 WIGNALL CRES.  
CITY OF MARKHAM, ZONING BY LAW 1229

	ALLOWED (M)	PROVIDED (m)
NET LOT AREA	N/A	724.64 m2
MIN. LOT FRONTAGE	18.29 m	18.66 m
MIN. LOT AREA	613.16 m2	836.04 m2
GROUND FLOOR G.F.A.: (including garage)	N/A	205.11 m2
SECOND FLOOR G.F.A.: (excluding balcony)	N/A	157.11 m2
CELLAR AREA	N/A	214.45 m2
GARAGE AREA	N/A	45.44 m2
DECK AREA	N/A	38.07 m2
MIN. FRONT YARD	7.62 m	8.84 m
MIN. SIDE YARD	1.83 m	1.83 m
MIN. REAR YARD	7.62 m	19.70 m
MAX. NUMBER OF STOREYS	2	2
MAX. BUILDING HEIGHT	9.8 m	10.49 m
MAX. BUILDING DEPTH	16.8 m	16.24 m
MAX. LOT COVERAGE	35 %	32.54 %
DRIVEWAY WIDTH	6 m	6 m
MAX. NET FLOOR AREA RATIO	45 %	49.98 %
MAX. GARAGE WIDTH (frontage < 18.3m)	7.7 m	6.75 m
MIN. DWELLING UNIT FLOOR AREA	111.48 m2	384.07 m2

\*(VARIANCE 3)\*  
\*(VARIANCE 1)\*  
\*(VARIANCE 2)\*

## FOR ZONING REVIEW

- LEGEND
- THREE-MEMBER SOLID WOOD BEARING
  - DOOR NUMBER
  - SIAMESE FIRE HOSE
  - WALL TYPE
  - REVISION
  - FINISHED FLOOR
  - FLAT ARCH
  - MEDICINE CABINET
  - CONCRETE BLOCK WALL
  - DOUBLE HEIGHT VOLUME WALL
  - FIRE RATED WALL
  - P.T. PRESSURE TREATED LUMBER
  - G.T. GIRDER TRUSS
  - DJ DOUBLE JOIST
  - TJ TRIPLE JOIST
  - LVL LAMINATED VENEER LUMBER
  - SOLID BEAR'G FROM ABOVE
  - POINT LOAD FROM ABOVE
  - SPECIFICATION NUMBER (SEE SPEC. SHEET)

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01	AS PER CITY COMMENTS	JUN 01/22	PV
02	CITY COMMENTS/F.A.R.	AUG 11/22	PV
03	CITY COMMENTS/BLD HEIGHT	AUG 26/22	TV
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05	CITY COMMENTS "	SEPT 27/22	PV
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Contractor must verify all dimensions on the job and report any discrepancy to the architect before proceeding with the work. All drawings and specifications are instruments of service and the property of the architect which must be returned at the completion of the work.

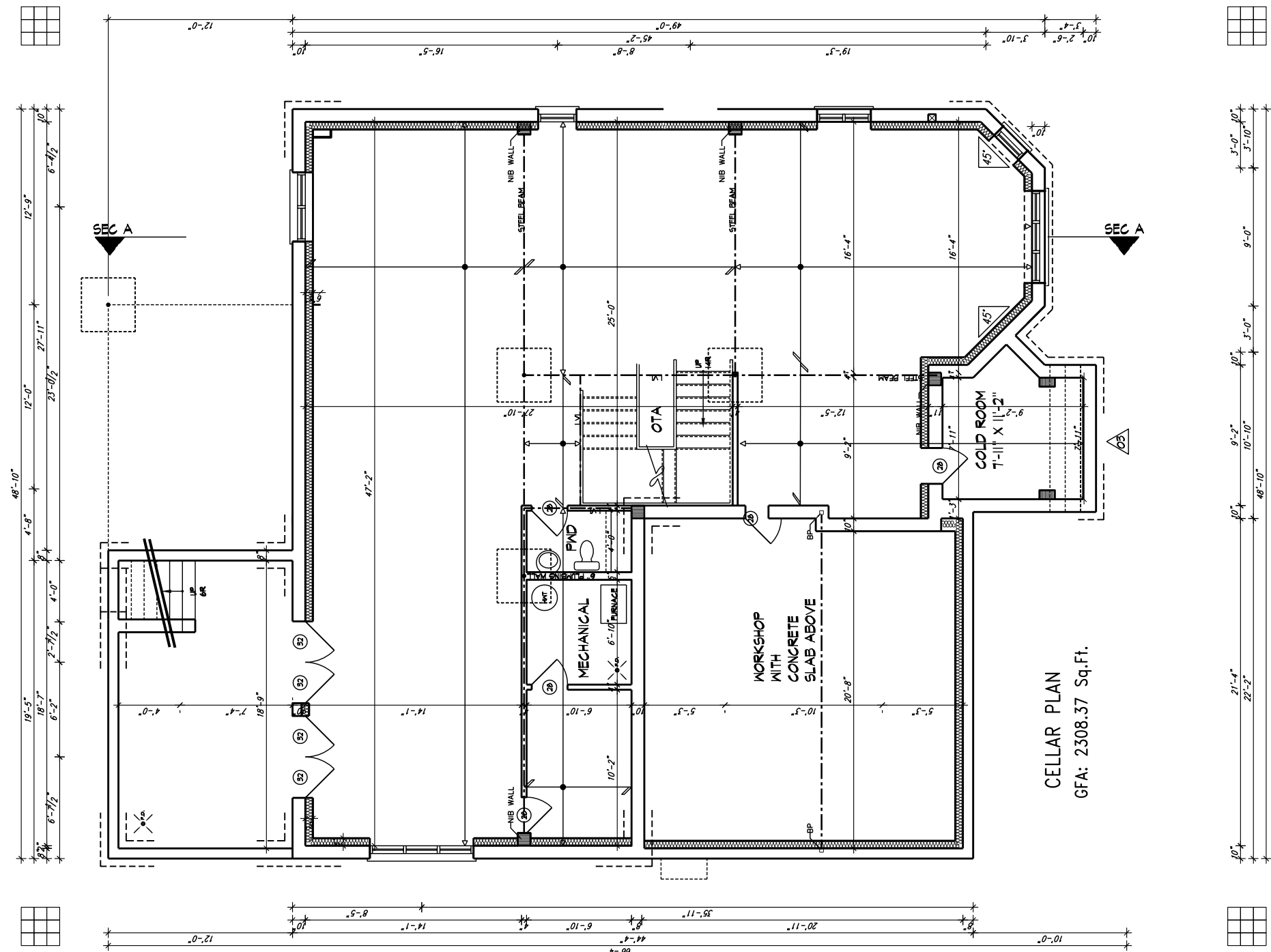


### SITE PLAN



80 Corporate Drive, Suite 205, Scarborough, Ontario M1H 3Q5  
T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Scale: 1:150 Project No: 2021-17  
Drawn By: PV Checked By: TVL  
B.C.D.N.



### FOR ZONING REVIEW

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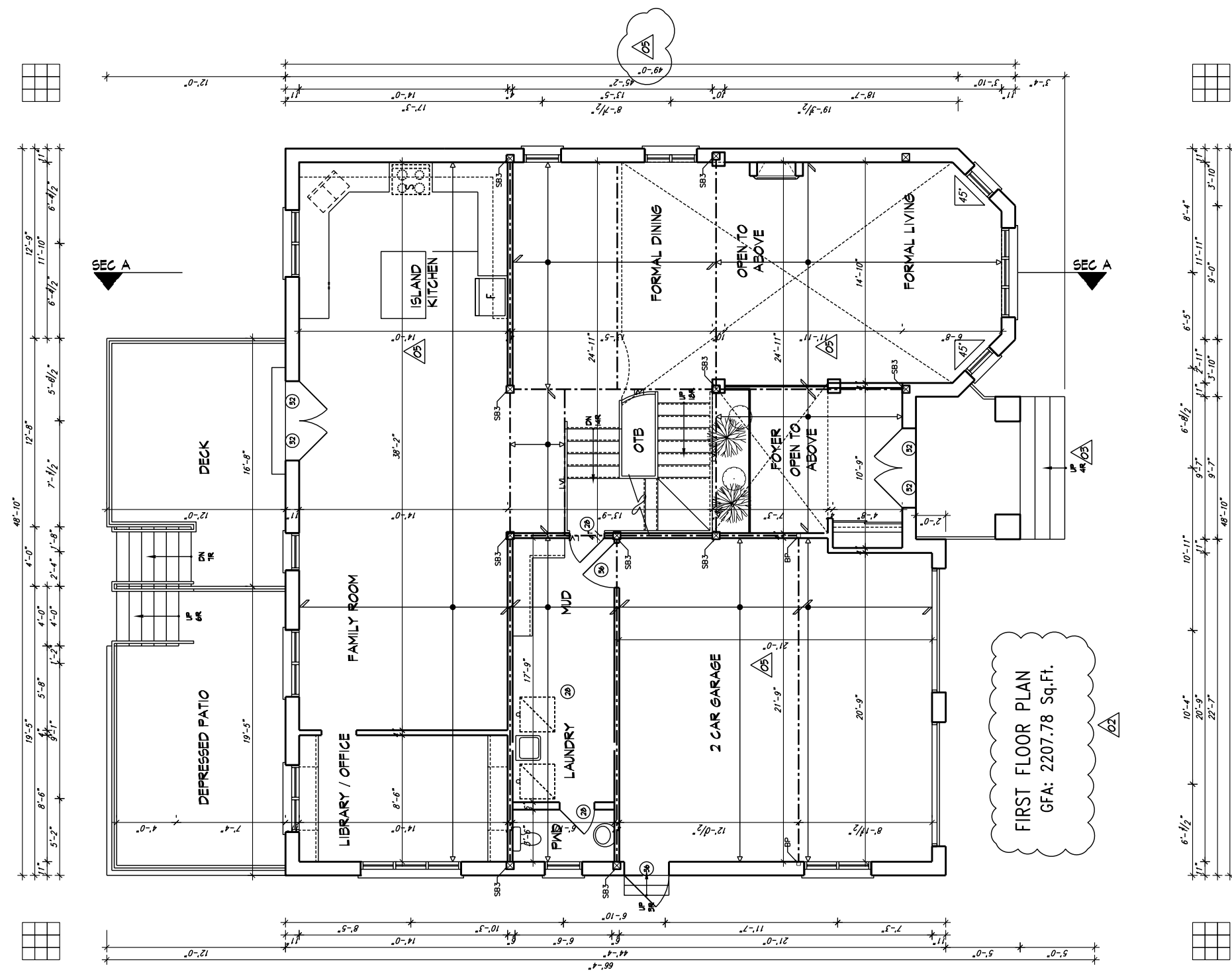


### CELLAR FLOOR PLAN



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Scale: 1/4" = 1'-0" Project No: 2021-17  
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## FOR ZONING REVIEW

**LEGEND**

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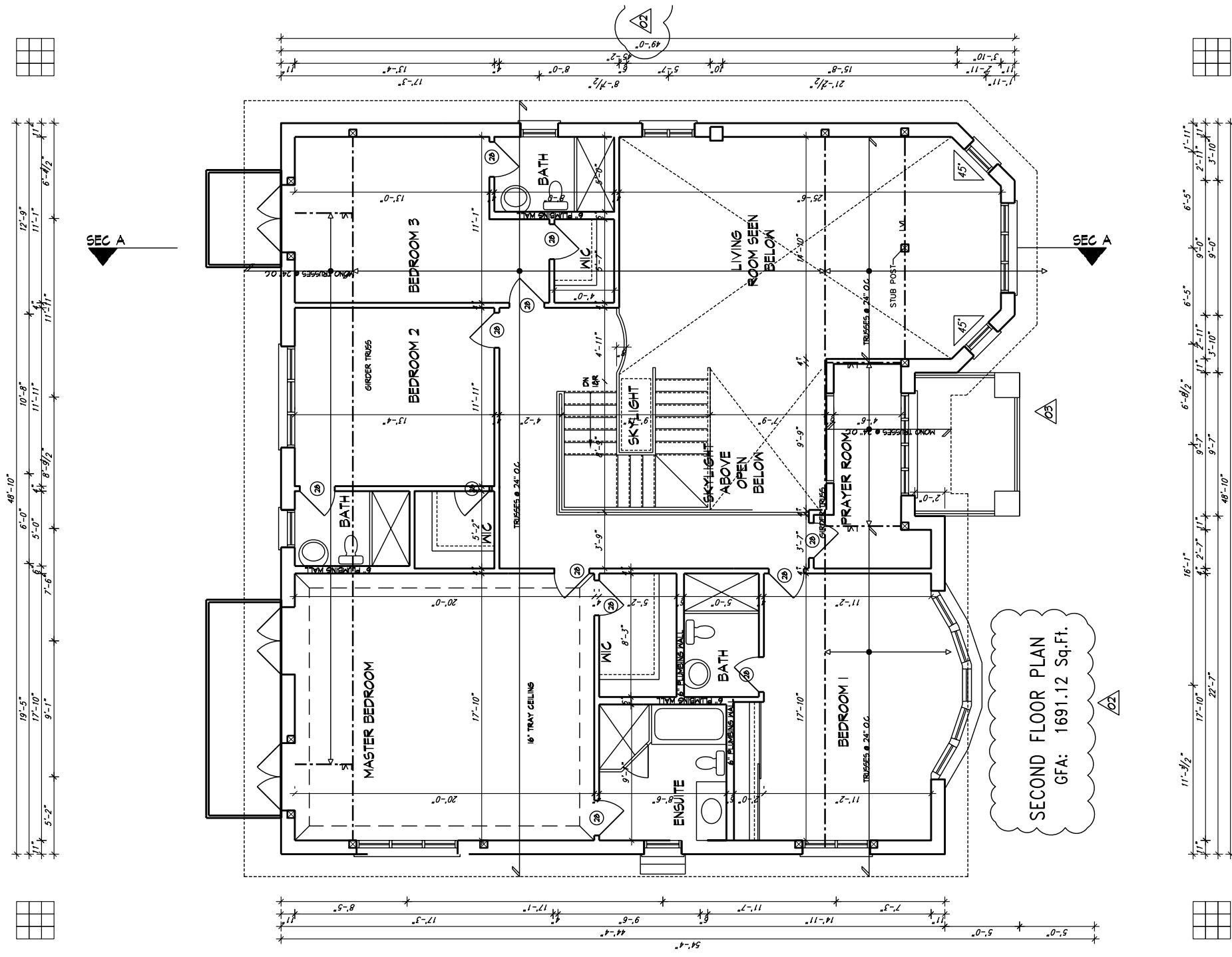
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### GROUND FLOOR PLAN



Scale: 1/4" = 1'-0"  
 Project No: 2021-17  
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 Checked By: TVL  
 B.C.D.N.



SECOND FLOOR PLAN  
GFA: 1691.12 Sq.Ft.

6 WIGNALL CRESCENT, MARKHAM, ON

FOR ZONING REVIEW

LEGEND

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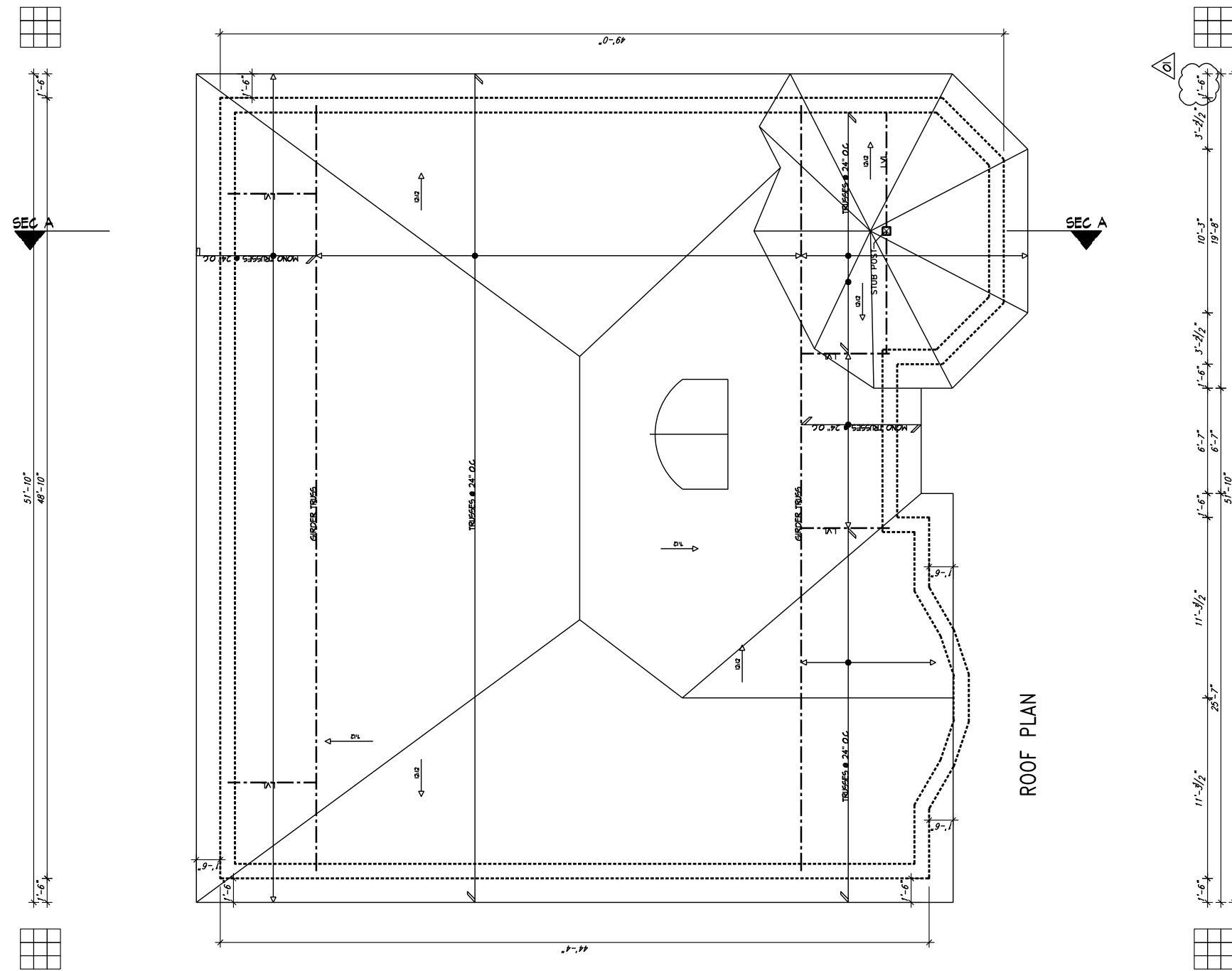


SECOND FLOOR PLAN



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













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B.C.D.N.



6 WIGNALL CRESCENT, MARKHAM, ON

## FOR ZONING REVIEW

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














Scale: 1/4" = 1'-0" Project No: 2021-17  
 Drawn By: PV Checked By: TVL  
 B.C.D.N.



FRONT ELEVATION (SOUTH)

**FOR ZONING REVIEW**

**LEGEND**

-  THREE-MEMBER SOLID WOOD BEARING
-  DOOR NUMBER
-  SIAMESE FIRE HOSE
-  WALL TYPE
-  REVISION
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**SOUTH ELEVATION**



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

















REAR ELEVATION (NORTH)

6 WIGNALL CRESCENT, MARKHAM, ON

**FOR ZONING REVIEW**

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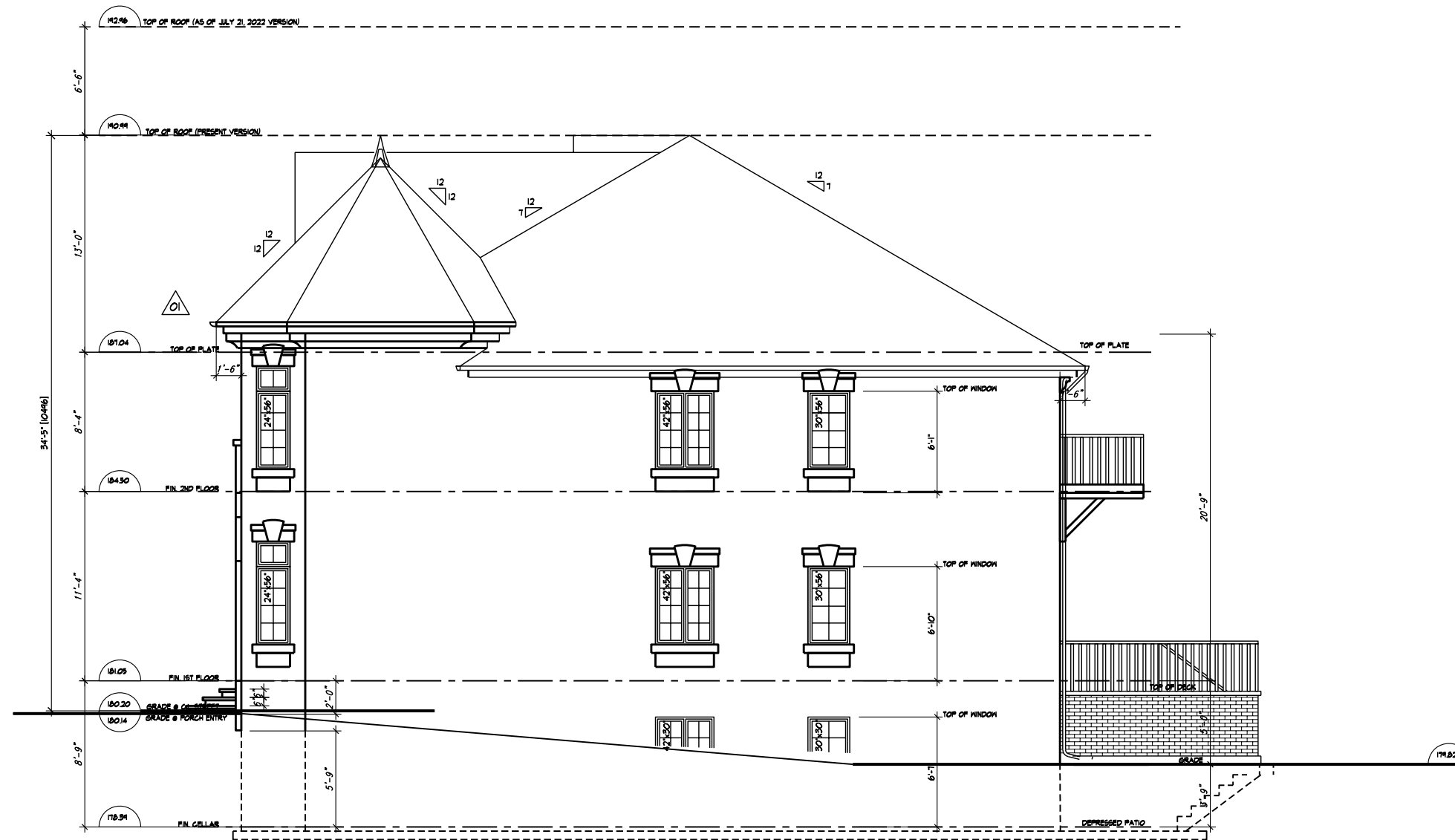


**NORTH ELEVATION**



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EAST ELEVATION

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04	CITY COMMENTS/BLD HEIGHT	AUG 29/22	PV
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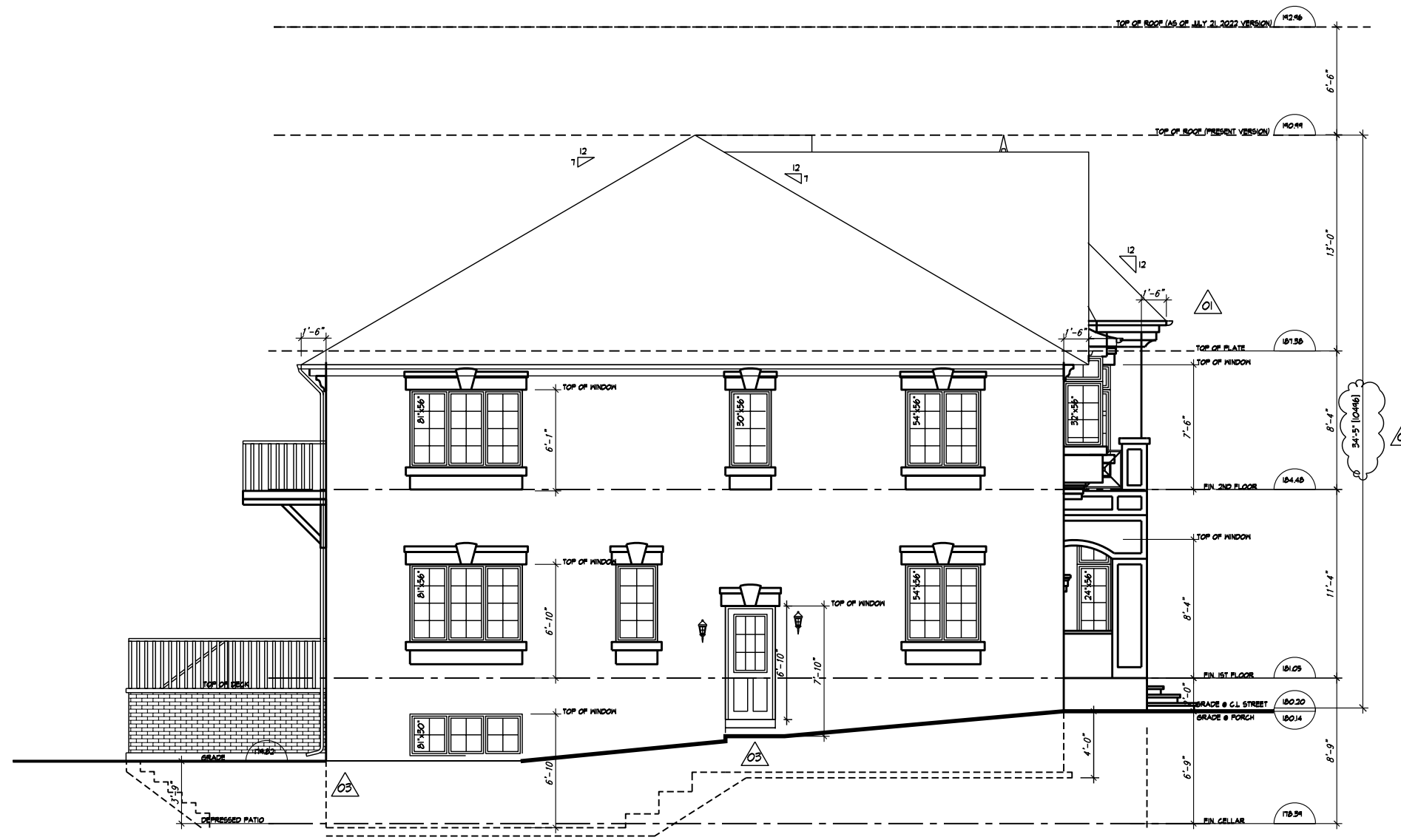
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**EAST ELEVATION**

**VANLE ARCHITECT**  
 info@vanle.ca  
 80 Corporate Drive, Suite 206, Scarborough, Ontario M1H 3G5  
 T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Scale: 1/4" = 1'-0"	Project No: 2021-17
Drawn By: PV	Checked By: TVL
B.C.D.N.	



WEST ELEVATION

6 WIGNALL CRESCENT, MARKHAM, ON

**FOR ZONING REVIEW**

- LEGEND**
- THREE-MEMBER SOLID WOOD BEARING
  - DOOR NUMBER
  - SIAMESE FIRE HOSE
  - WALL TYPE
  - REVISION
  - FINISHED FLOOR
  - FLAT ARCH
  - MEDICINE CABINET
  - CONCRETE BLOCK WALL
  - DOUBLE HEIGHT VOLUME WALL
  - FIRE RATED WALL
  - P.T. PRESSURE TREATED LUMBER
  - G.T. GIRDER TRUSS
  - DJ DOUBLE JOIST
  - T.J. TRIPLE JOIST
  - L.V.L. LAMINATED VENEER LUMBER
  - SOLID BEAR'G FROM ABOVE
  - POINT LOAD FROM ABOVE
  - SPECIFICATION NUMBER (SEE SPEC. SHEET)

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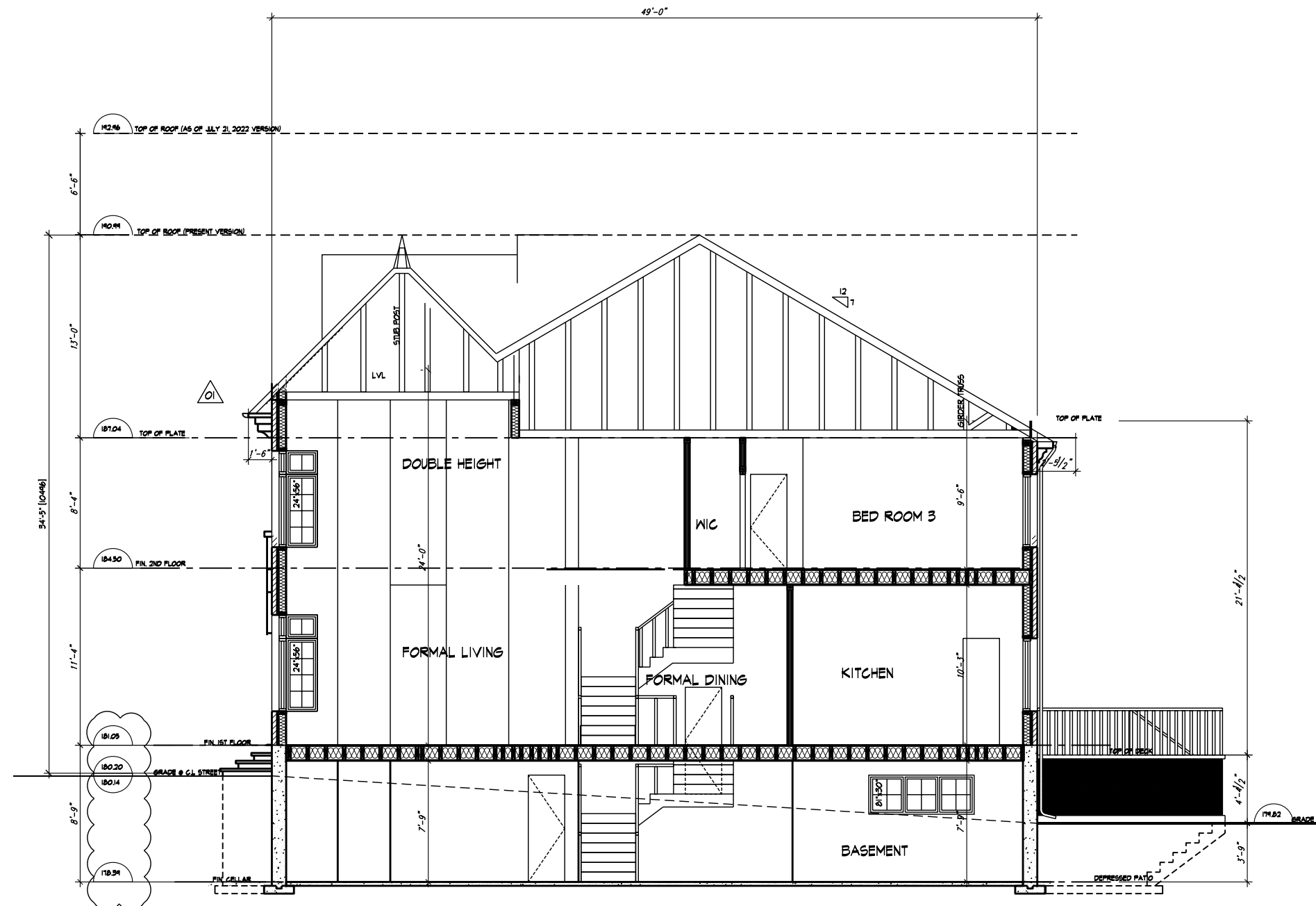


WEST ELEVATION



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 Project No: 2021-17  
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SECTION A-A

6 WIGNALL CRESCENT, MARKHAM, ON

**FOR ZONING REVIEW**

- LEGEND**
- THREE-MEMBER SOLID WOOD BEARING
  - DOOR NUMBER
  - SIAMESE FIRE HOSE
  - WALL TYPE
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SECTION A-A

**VANLE ARCHITECT**  
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B.C.D.N.	

## Appendix C

File: 22.247876.000.00.MNV

Date: 10/14/22  
MM/DD/YY

### Memorandum to the City of Markham Committee of Adjustment September 9, 2022

**File:** A/132/22  
**Address:** 6 Wignall Crescent, Markham  
**Applicant:** Vanle Architect Inc. (Tom Vanle)  
**Agent:** Vanle Architect Inc. (Tom Vanle)  
**Hearing Date:** Wednesday September 21, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 17.04 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent; and
- c) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 11.27 metres, whereas the By-law permits a maximum height of 9.80 metres.

### BACKGROUND

#### Property Description

The 838.45 m<sup>2</sup> (9,025.00 ft<sup>2</sup>) subject property is located on the north side of Wignall Crescent, west of Markham Road and south of Highway 7. The property is located within an established residential neighbourhood comprised of a mix of one and one and a half-storey detached dwellings.

The property currently contains a one-storey detached dwelling with an attached carport and a deck in the rear yard. Mature vegetation exists on the property which includes 2 large trees and a cedar hedge in the front yard, and several mature trees in the rear yard.

#### Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling to construct a new two-storey detached dwelling with an integral two car garage. The proposed dwelling will have an approximate gross floor area of 384.07 m<sup>2</sup> (4,134.09ft<sup>2</sup>)

The applicant is requesting variances to the building height, building depth, and floor area ratio to facilitate the construction of the new two-storey detached dwelling.

#### Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to

height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways.

#### Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

#### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to building height, building depth, and floor area.

#### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on August 29, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

#### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

#### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with an integral two car garage with an approximate total gross floor area of 384.07 m<sup>2</sup> (4,134.09 ft<sup>2</sup>) where the By-law permits a dwelling with a maximum floor area of 326.08 m<sup>2</sup> (3,509.89 ft<sup>2</sup>). This represents an increase of approximately 57.99 m<sup>2</sup> (624.19 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the

dwelling, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. Although the proposed dwelling will be larger than the existing dwellings on the street, the proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

#### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 17.04 m (55.90 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 0.24 m (0.79 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes the front porch and a portion of the cellar area, which adds approximately 1.42 m (4.69 ft) representing a minor component of the overall depth of the building. Staff are satisfied that the proposed building depth will not adversely impact the lot pattern of the neighbourhood nor the rear yard amenity space of the subject property and abutting properties. Staff are of the opinion the proposed variance is minor in nature and have no concerns.

#### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 11.27 m (36.97 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This represents an increase of 1.47 m (4.82 ft).

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.21 m (0.68 ft) above the crown of road.

Staff acknowledge that the applicant has reduced the height from the initial submission by approximately 1.25 m (4.11 ft), however continue to have concerns relating to the impacts of the massing and scale of the proposed house as a result of the increased height to the streetscape.

#### **Tree Protection and Compensation**

Should the application be approved, staff recommend that the tree related conditions detailed in Appendix “A” be adopted to ensure that the applicant installs the appropriate

tree protection barriers, and provides appropriate compensation, if necessary. Staff also note that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more on the subject property or neighbouring properties.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 9, 2022. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

### **CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that requested variances A and B meet the four tests of the Planning Act and have no objection. Staff are of the opinion that variance C does not meet the four tests of the Planning Act. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

### **APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 22 247876 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

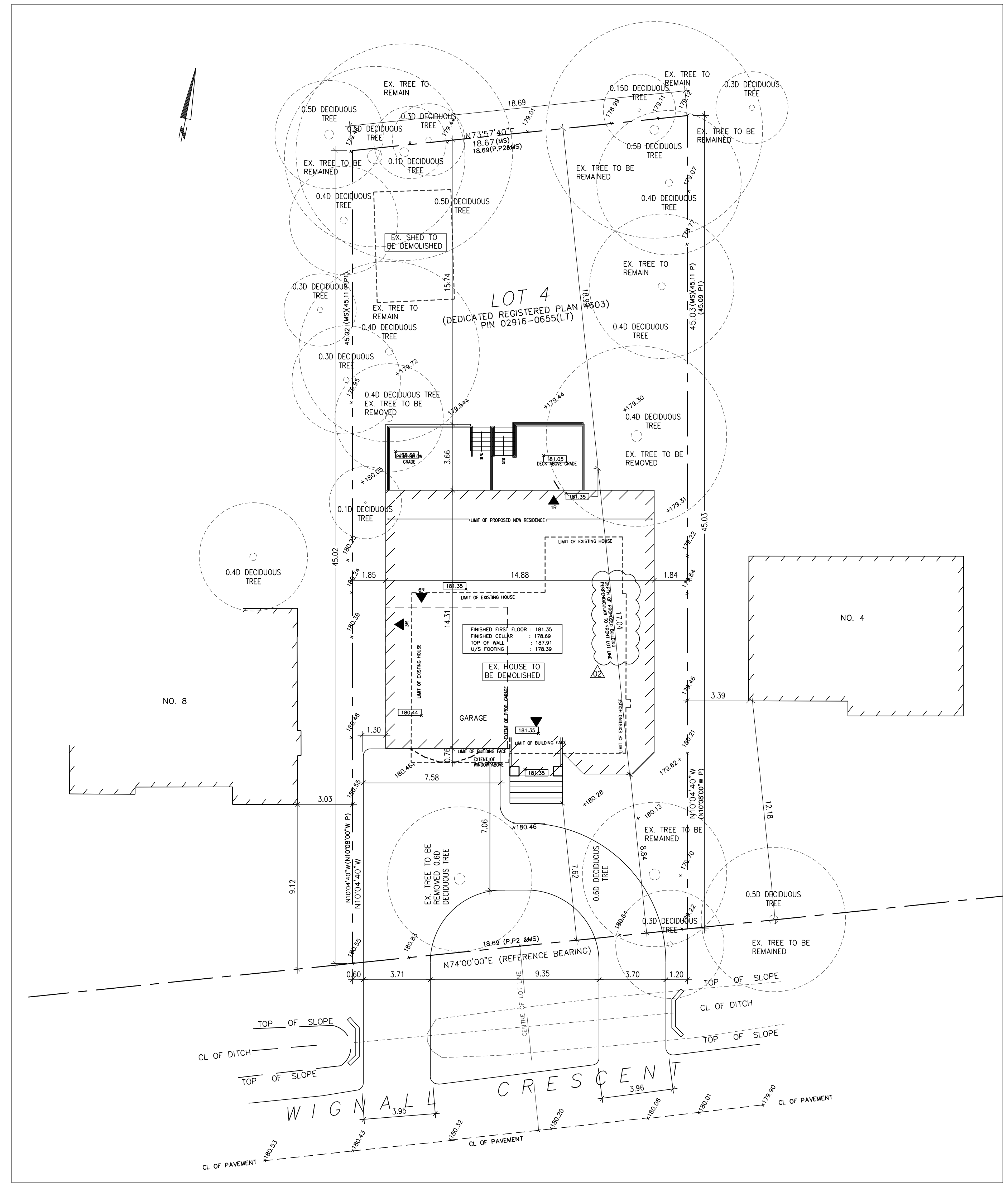
CONDITIONS PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/22**



SITE STATISTICS:  
 PROPERTY CODE: INFILL HOUSING  
 ZONING CATEGORY: R1 - RESIDENTIAL  
 ADDRESS: 6 WIGNALL CRES.  
 CITY OF MARKHAM. ZONING BY LAW 1229

	ALLOWED (M)	PROVIDED (m)
NET LOT AREA	N/A	724.64 m <sup>2</sup>
MIN. LOT FRONTAGE	18.29 m	18.66 m
MIN. LOT AREA	613.16 m <sup>2</sup>	836.04 m <sup>2</sup>
GROUND FLOOR G.F.A.: (including garage)	N/A	216.93 m <sup>2</sup>
SECOND FLOOR G.F.A.: (excluding balcony)	N/A	167.14 m <sup>2</sup>
CELLAR AREA	N/A	227.96 m <sup>2</sup>
GARAGE AREA	N/A	48.03 m <sup>2</sup>
DECK AREA	N/A	38.07 m <sup>2</sup>
MIN. FRONT YARD	7.62 m	8.84 m
MIN. SIDE YARD	1.83 m	1.83 m
MIN. REAR YARD	7.62 m	18.92 m
MAX. NUMBER OF STOREYS	2	2
MAX. BUILDING HEIGHT	9.8 m	11.27 m
MAX. BUILDING DEPTH	16.8 m	17.04 m
MAX. LOT COVERAGE	35 %	32.54 %
DRIVEWAY WIDTH	6 m	6 m
MAX. NET FLOOR AREA RATIO	45 %	53.00 %
MAX. GARAGE WIDTH (frontage < 18.3m)	7.7 m	6.75 m
MIN. DWELLING UNIT FLOOR AREA	111.48 m <sup>2</sup>	384.07 m <sup>2</sup>

**FOR ZONING REVIEW**

**LEGEND**

- THREE-MEMBER SOLID WOOD BEARING
- DOOR NUMBER
- SIAMSESE FIRE HOSE
- WALL TYPE
- REVISION
- FINISHED FLOOR
- FLAT ARCH
- MEDICINE CABINET
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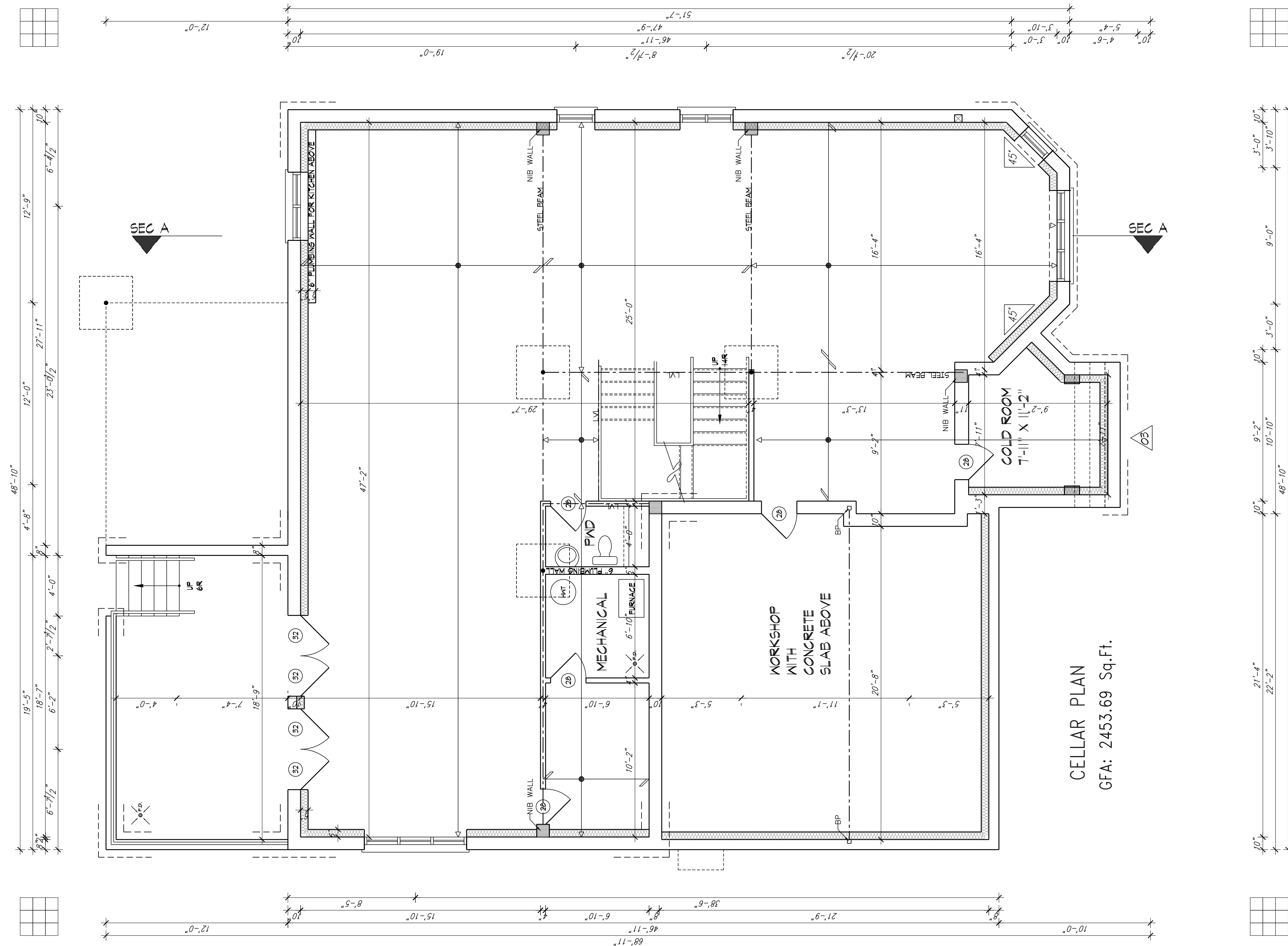
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**SITE PLAN**



Scale: 1:150	Project No: 2021-17
Drawn By: PV	Checked By: TVL
B.C.D.N.	



6 WIGNALL CRESCENT, MARKHAM, ON

**FOR ZONING REVIEW**

**LEGEND**

- THREE-MEMBER SOLID WOOD BEARING
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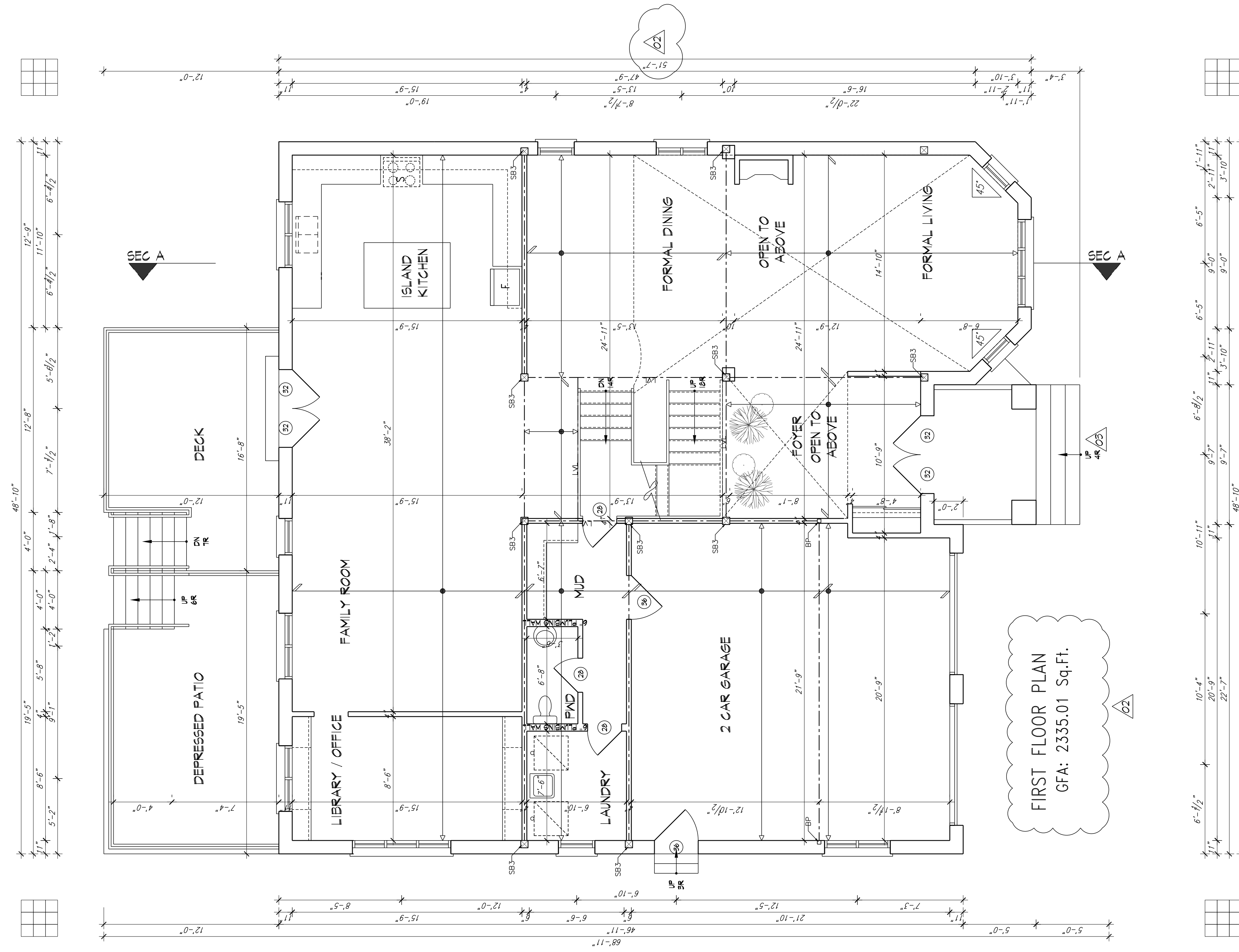


**CELLAR FLOOR PLAN**



80 Corporate Drive, Suite 206, Scarborough, Ontario M1H 3G5  
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 Project No: 2021-17  
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FIRST FLOOR PLAN  
GFA: 2335.01 Sq.Ft.

6 WIGNALL CRESCENT, MARKHAM, ON

**FOR ZONING REVIEW**

**LEGEND**

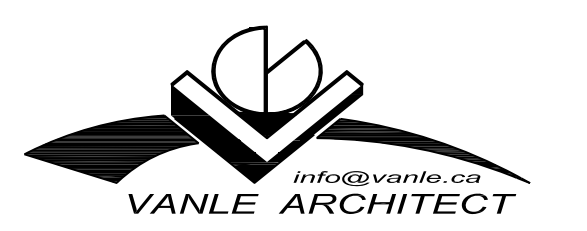
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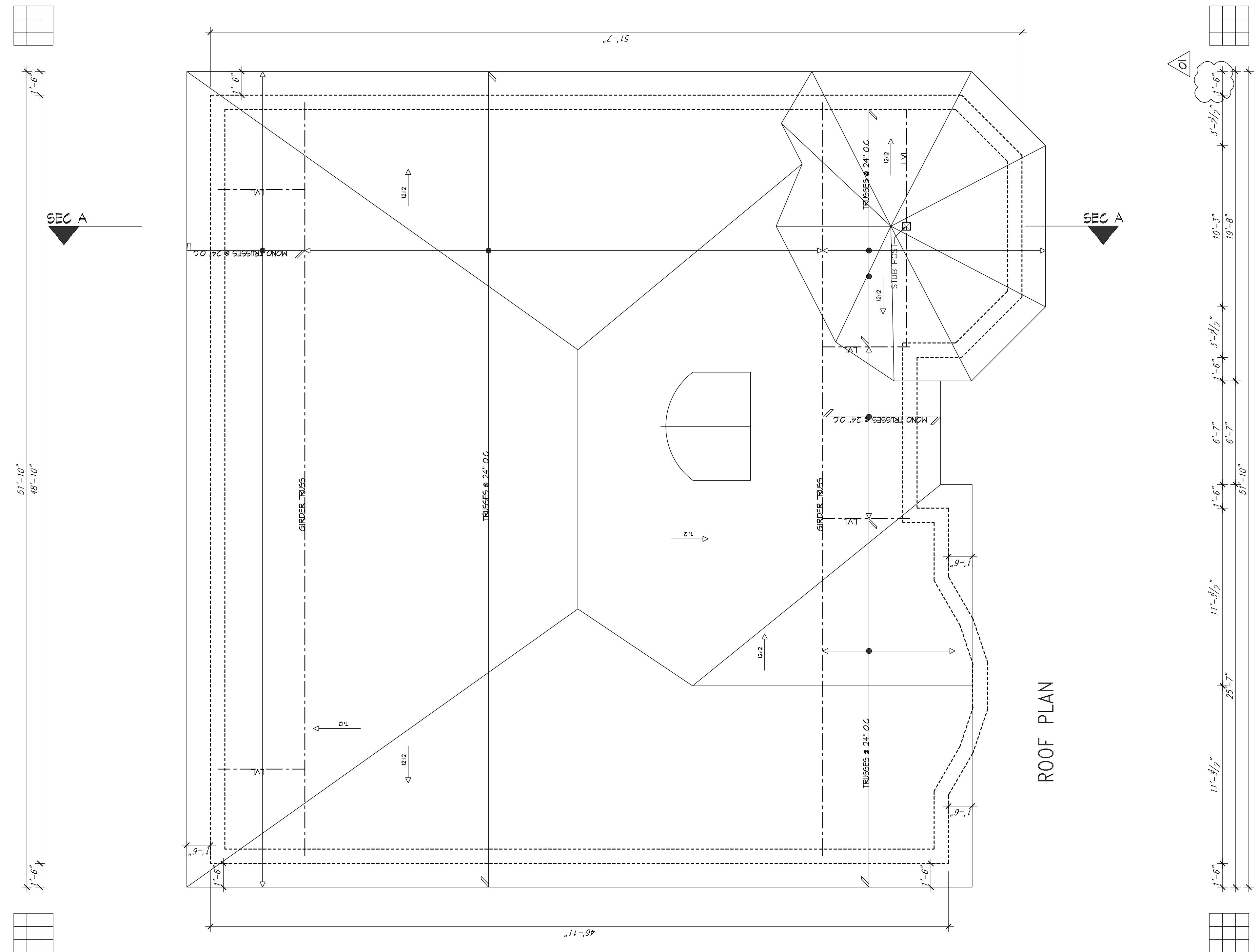
**GROUND FLOOR PLAN**



80 Corporate Drive, Suite 206, Scarborough, Ontario M1H 3G5  
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Scale: 1/4" = 1'-0"	Project No: 2021-17
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6 WIGNALL CRESCENT, MARKHAM, ON

## FOR ZONING REVIEW

### LEGEND

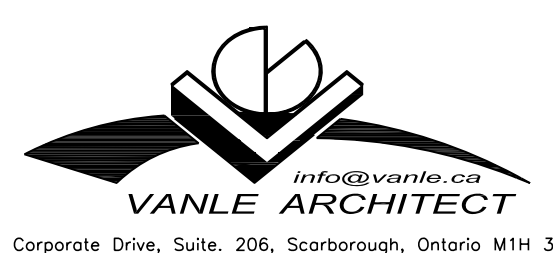
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### ROOF PLAN



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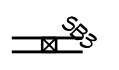

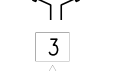
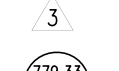
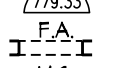

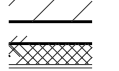

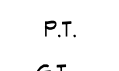
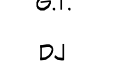


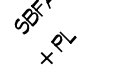
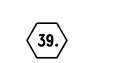
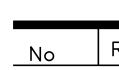
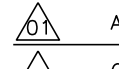
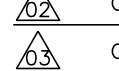
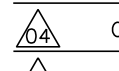
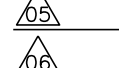


REAR ELEVATION (NORTH)

6 WIGNALL CRESCENT, MARKHAM, ON

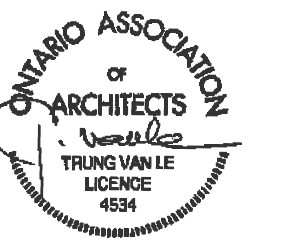
**FOR ZONING REVIEW**

**LEGEND**

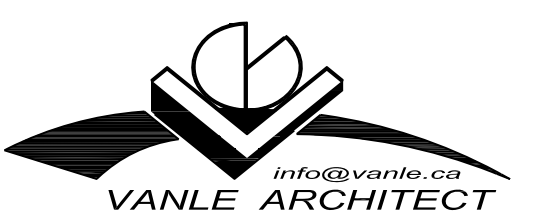
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-  DOOR NUMBER
-  SIAMMESE FIRE HOSE
-  WALL TYPE
-  REVISION
-  FINISHED FLOOR
-  FLAT ARCH
-  MEDICINE CABINET
-  CONCRETE BLOCK WALL
-  DOUBLE HEIGHT VOLUME WALL
-  FIRE RATED WALL
-  P.T. PRESSURE TREATED LUMBER
-  G.T. GIRDER TRUSS
-  D.J. DOUBLE JOIST
-  T.J. TRIPLE JOIST
-  L.V.L. LAMINATED VENEER LUMBER
-  SOLID BEAR'G FROM ABOVE
-  POINT LOAD FROM ABOVE
-  SPECIFICATION NUMBER (SEE SPEC. SHEET)

No.	Revision comments	DATE	BY
01	AS PER CITY COMMENTS	JUN 01/22	PV
02	CITY COMMENTS/F.A.R.	AUG 11/22	PV
03	CITY COMMENTS/BLD HEIGHT	AUG 26/22	TV
04	CITY COMMENTS/BLD HEIGHT	AUG 29/22	PV
05			
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Contractor must verify all dimensions on the job and report any discrepancy to the architect before proceeding with the work. All drawings and specifications are instruments of service and the property of the architect which must be returned at the completion of the work.

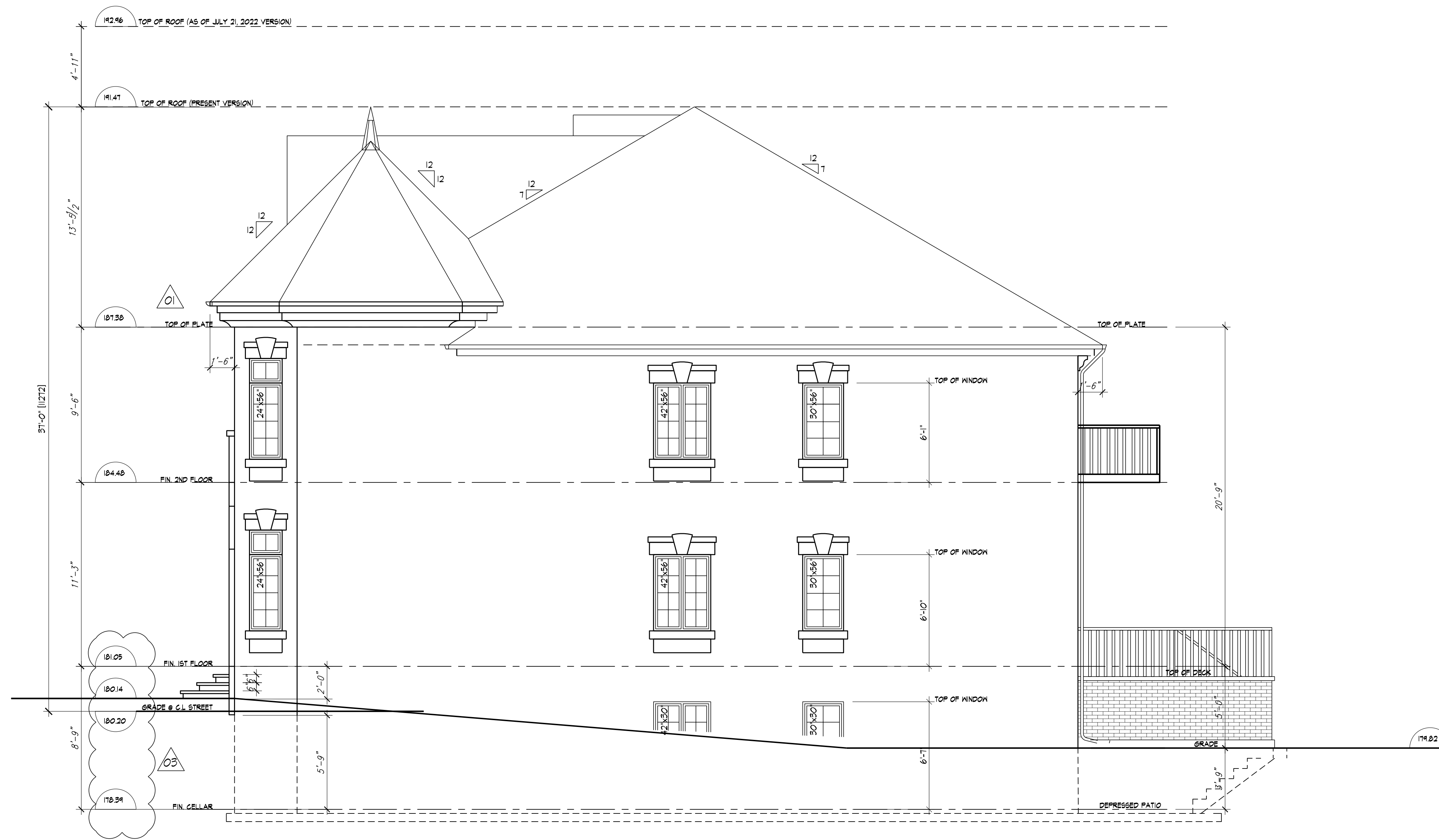


**NORTH ELEVATION**



80 Corporate Drive, Suite 206, Scarborough, Ontario M1H 3G5  
 T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Scale: 1/4" = 1'-0" Project No: 2021-17  
 Drawn By: PV Checked By: TVL  
 B.C.D.N.



EAST ELEVATION

6 WIGNALL CRESCENT, MARKHAM, ON

**FOR ZONING REVIEW**

**LEGEND**

- THREE-MEMBER SOLID WOOD BEARING
- DOOR NUMBER
- SIAMMESE FIRE HOSE
- WALL TYPE
- REVISION
- FINISHED FLOOR
- FLAT ARCH
- MEDICINE CABINET
- CONCRETE BLOCK WALL
- DOUBLE HEIGHT VOLUME WALL
- FIRE RATED WALL
- P.T. PRESSURE TREATED LUMBER
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- SOLID BEAR'G FROM ABOVE
- POINT LOAD FROM ABOVE
- SPECIFICATION NUMBER (SEE SPEC. SHEET)

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**EAST ELEVATION**



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Scale: 1/4" = 1'-0"  
 Project No: 2021-17  
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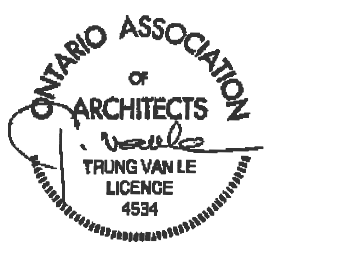
# FOR ZONING REVIEW

## LEGEND

- THREE-MEMBER SOLID WOOD BEARING
- DOOR NUMBER
- SIAMESE FIRE HOSE
- WALL TYPE
- REVISION
- FINISHED FLOOR
- FLAT ARCH
- MEDICINE CABINET
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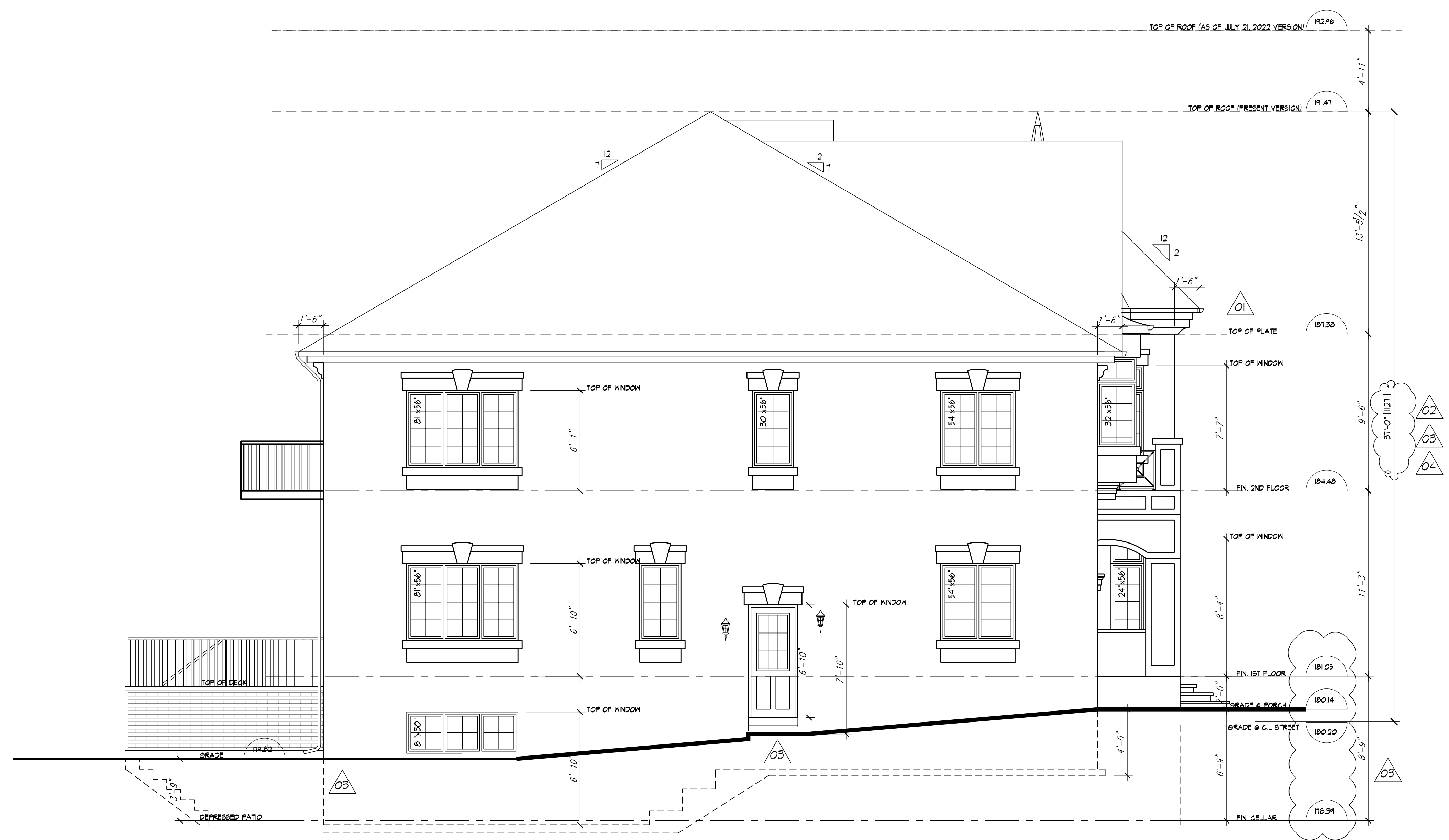


## WEST ELEVATION

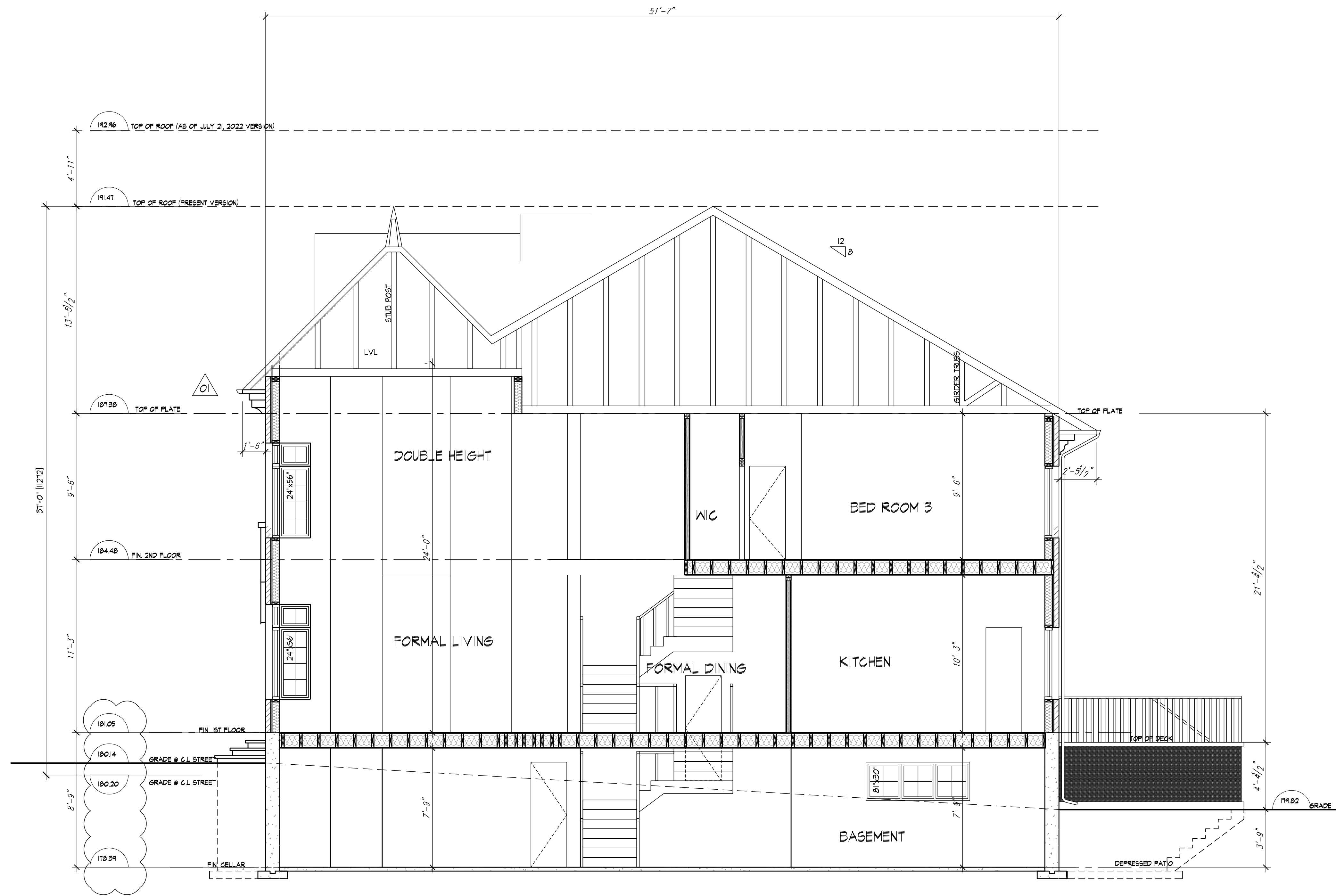


80 Corporate Drive, Suite 206, Scarborough, Ontario M1H 3G5  
 T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Scale: 1/4" = 1'-0" Project No: 2021-17  
 Drawn By: PV Checked By: TVL  
 B.C.D.N.



WEST ELEVATION



SECTION A-A

6 WIGNALL CRESCENT, MARKHAM, ON

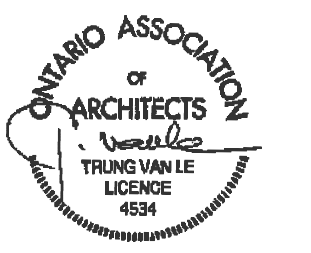
**FOR ZONING REVIEW**

**LEGEND**

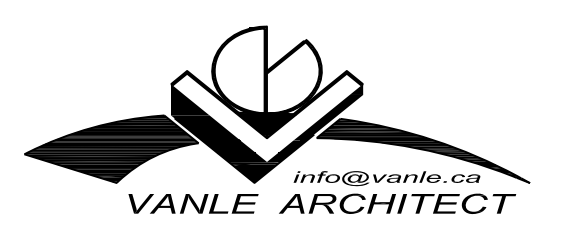
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- DOOR NUMBER
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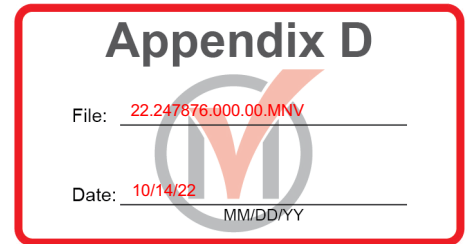


**SECTION A-A**



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 T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Scale: 1/4" = 1'-0" Project No: 2021-17  
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**CITY OF MARKHAM**  
**Virtual Meeting on Zoom**

**September 21, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 17<sup>th</sup> regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 PM
Sally Yan	7:00 PM
Jeamie Reingold	7:00 PM
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Kelvin Kwok	7:03 PM

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Dinal Manawadu, Development Technician, Committee of Adjustment

**Regrets**

Gregory Knight

**DISCLOSURE OF INTEREST**

None

**Minutes: September 7, 2022**

THAT the minutes of Meeting No. 16, of the City of Markham Committee of Adjustment, held September 7, 2022, respectively, be:

- a) Approved with on September 21, 2022.

**Moved By: Arun Prasad**  
**Seconded By: Patrick Sampson**

**Carried**

**REQUEST FOR DEFERRAL:**

**1. A/114/22**

**Owner Name: Sakineh Safarзад Gourabjavar  
Agent Name: RAA Design Studio Inc. (Forough Radman)  
67 Babcombe Drive, Thornhill  
PLAN M941 LOT 114**

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

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

a building height of 9.15 meters, whereas the By-law permits a maximum flat roof building height of 8.0 meters;

**b) Amending By-law 100-90, Section 1.2(iii):**

a maximum building depth of 22.40 meters, whereas the By-law permits a maximum building depth of 16.8 meters;

as it related to the construction of a new two-storey detached dwelling.

The Acting Chair introduced the application.

Two pieces of written correspondence had been received as a result of the public notice.

The owner, appeared on behalf of the application.

Member Sampson motioned for deferral.

**Moved By: Patrick Sampson**

**Seconded By: Kelvin Kwok**

The Committee unanimously deferred the application.

THAT Application No. **A/114/22** be **deferred** sine die.

Resolution Carried

**NEW BUSINESS:**

**1. A/045/21**

**Owner Name: Singh-Kohar Harinderpal**  
**Agent Name: Kaushik Suthar**  
**35 Shadlock Street, Markham**  
**PLAN 4603 PT LOT 4**

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

**a) By-law 28-97, Section 6.1.2 (a) & (b):**

two required parking spaces to be provided on the driveway, whereas the By-law only permits one required parking space to be provided within the required front yard;

**b) By-law Section 90-81, Section 4.6 (a):**

a maximum encroachment of 0.49m into the required side yard, whereas the By-law permits a maximum encroachment of 0.45m into any required yards;

**c) By-law 90-81, Section 5.2.1:**

an accessory dwelling unit in the basement, whereas the by-law permits no more than one single detached dwelling unit on one lot

as it related to a proposed secondary dwelling in the basement.

The Chair introduced the application.

No written correspondence had been received as a result of the public notice.

The agent, Hetal Suthar, appeared on behalf of the application. During the past year, the applicant had worked with staff to obtain a ZPR, grading approval, and other inspections to facilitate the application. However, the parking and walkout conditions existed, and the owner wanted to convert the basement into a legal second dwelling. Hetal indicated that the requests were minor and met the four tests of the *Planning Act*.

Member Kwok had reviewed the staff report and noted that the existing garage was for two cars and that the request was technical. Accordingly, member Kwok supported the application indicating it met the criteria of the Official Plan.

Member Reingold agreed with their colleague and the staff report.

Member Prasad supported the application.

The Acting Chair asked about the status of the trailer parked on the driveway and if it would impede parking for the new dwelling unit.

The agent noted that the trailer was parked during renovations to the home and would be removed when the work was complete.

Member Kwok motioned for approval.

**Moved By: Kelvin Kwok**  
**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **A/045/21** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**2. A/071/22**

**Owner Name: Yi Chen**  
**Agent Name: TLE Design and Management Inc. (Tong Li)**  
**2 Weatherill Road, Markham**  
**PLAN 65M3376 LOT 64**

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

**a) Section 6.5:**

one accessory dwelling unit, whereas no more than one dwelling unit is permitted on a lot; and

**b) Parking By-law 28-97, Section 3:**

two parking spaces on the lot, whereas three parking spaces are required for a detached dwelling with one accessory dwelling unit;

as it related to a proposed secondary suite (basement apartment).

The Acting Chair introduced the application.

Thirteen pieces of written correspondence had been received as a result of the public notice.

The agent, Henry Wen, appeared on behalf of the application and shared a presentation illustrating the proposed parking for the two residential units and the areas of improved

egress for the basement-dwelling unit. In addition, the agent spoke to Official Plan policies and the Provincial Growth Plan, which supported the creation of additional units to help address rising housing costs and increasing population in the area. Henry also highlighted that the unit was within walking distance of a well-developed transit system and that the requested variances were minor.

Virginia and Carado Spitaro of 4 Weatherill Road spoke about concerns relating to parking, drainage, privacy, fire hazards, noise, garbage and other related property and safety issues that had arisen due to the existing secondary suite that had been established without approvals. In addition, Virginia shared a picture highlighting the current parking situation on the property.

Joe Abouchakra of 14 Weatherill Road raised concerns that the unit would be used as a short-term rental.

Mary Wang of 1 Elmrill Road, whose property abutted the property raised numerous concerns relating to traffic, parking, fire safety, and property standards violations that had been reported to the police and by-law staff.

Peter Ling of 7 Weatherill Road represented the entire family and expressed safety concerns related to on-street parking and residents of the property parking in a fashion that blocked the sidewalk.

Henry Wan responded that the unit would be for long-term rental. The plans to legalize the unit provided for improved fire egress, and open fires on the property would be terminated. The agent would work with the new owners to develop solutions to address neighbourhood concerns.

Member Yan identified that several residents had raised present and future concerns relating to property standards. The member asked if the applicant submitted to legalize an existing secondary dwelling unit.

Member Sampson addressed the Provincial and Municipal policies that governed and supported the establishment of secondary dwelling units and stated that the Committee's role was to decide on the variances requested to legalize the secondary unit. Accordingly, member Sampson supported the application.

The Acting Chair noted that there was not a good history associated with the unpermitted dwelling unit on the property and expressed hope that the new owners would define limits and enforce parking and property standards concerns with new tenants. However, the Acting Chair noted that the application was to be decided upon related to planning issues rather than the enforcement issues raised. The application was supported by policies for affordable housing and various housing types.

Member Sampson motioned for approval.

**Moved By: Patrick Sampson**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/071/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**3. A/076/22**

**Owner Name: Karunadevy Thevakumaran & Yobiga Thevakumaran**  
**Agent Name: Nimal Nadarajah**  
**4 James Glover Drive, Markham**  
**PLAN 65M4398 LOT 303**

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

**a) By-law 177-96, Section 6.5:**

A legal basement (accessory apartment) in the dwelling unit (two-unit), whereas the By-law permits no more than one dwelling unit on a lot;

**b) By-law 28-97, Section 3:**

Two parking spaces whereas the By-law permits three parking spaces for a detached dwelling with one accessory apartment;

**c) By-law 28-97, Section 6.2.4.2 b):**

a driveway width of 8.49m (27.85 ft.) whereas the By-law permits a maximum driveway width of 4.67m (15.32 ft.).

as it related to a proposed secondary dwelling (basement apartment).

The Acting Chair introduced the application.

Two pieces of written correspondence in objection had been received as a result of the public notice.

The agent, Nimal Nadarajah, appeared on behalf of the application. The agent noted that variance c) was not supported by staff. The interlocking was directly in front of the veranda, and the homeowner was informed that parking in this area was prohibited.

Karen Boyd of 6 James Glover Drive asked for clarification if the driveway was to be extended closer to their property line.

The Acting Chair clarified that the variance request was for the interlocking in front of the veranda to be used as a parking spot and reminded attendees that Planning staff did not support the driveway extension.

Member Sampson spoke to the request for the widened driveway and enforcement of the parking use.

The Acting Chair asked staff how the existing condition would be monitored if no condition to remove the interlocking was included in the decision.

Greg Whitfield indicated that if the Variance were not approved, any issues arising from the use of the area for parking would be subject to bylaw enforcement.

Member Kwok asked for additional clarification if a condition for removal of the interlock was required. The member indicated that refusing the application could make parking issues worse.

Member Reingold indicated that the increased hard surface was undesirable and did not support the Variance for the driveway.

The Acting Chair disagreed with the widened interlock as it encouraged parking in these areas and indicated that if Committee decided not to approve Variance, c) a condition was not necessary as required changes would be caught at the building permit stage.

Member Sampson motioned to approve variances **a)** and **b)** and to deny variance **c)**.

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

The Committee approved items **a)** and **b)** and refused item **c)**.

THAT Application No. **A/076/22** be **partially approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**4. A/130/22**

**Owner Name: Wheelock Pun**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**3 Snowball Lane, Markham**  
**PLAN 65M2058 LOT 45L**

The applicant was requesting relief from the requirements of By-law 184-78, as amended, to permit:

**a) Section 7.2 (b):**

a minimum rear yard setback of 6.5 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres; and

**b) Section 7.2 (c):**

a minimum lot coverage of 40.7 percent, whereas the By-law permits a maximum lot coverage of 40 percent;

as it related to a proposed two-storey rear addition.

The Chair introduced the application.

No written correspondence had been received as a result of the public notice.

The owner, Shane Gregory, appeared on behalf of the application. Shane explained the variances and indicated they were minor.

Member Reingold noted that the requests were minor and would improve the homeowner's enjoyment of their property.

Member Yan agreed with their colleague and noted that it was a small addition in the rear of the dwelling which would have minimal impact for adjacent properties and would add to the amenities of the home.

Member Sampson indicated that with the addition, the house would project beyond the adjacent houses, and asked if the neighbours had been consulted.

Shane Gregory indicated the neighbours had received information packages.

Member Reingold motioned for approval.

**Moved By: Jeamie Reingold**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/130/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

5. **A/041/22**

**Owner Name: Pradyt Chakraborty**  
**Agent Name: Sol-Arch (Jonathan Benczkowski)**  
**22 Byer Drive, Markham**  
**PLAN M1976 LOT 43**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

**a) Section 7.2 (b):**

a minimum 1.20 metre side yard setback, whereas the By-law requires a minimum side yard setback of 1.80 metres;

**b) Section 7.2 (b):**

a minimum rear yard setback of 7.08 metres, whereas the By-law requires a minimum rear yard setback of 7.50 metres; and

**c) Section 7.2 (c):**

a maximum lot coverage of 43.63 percent, whereas the By-law permits a maximum lot coverage of 33.30 percent;

as it related to a proposed building addition and existing rear covered porch.

The Chair introduced the application.

Two pieces of written correspondence had been received as a result of the public notice.

The agent, Jonathan Benczkowski, appeared on behalf of the application. Jonathan presented the project illustrating the scope and location of the work proposed, stating they agreed with the staff report and that the work was minor.

Kevin Richardson of 42 Byer Drive indicated that the staff report alleviated concerns noting that the request for the rear porch was for an existing condition. Of greatest concern was the addition in the front yard and lot coverage.

Amin Jinnah of 40 Byer Drive stated that they preferred the addition compared to a new rebuild and understood the scope of the work after reading the staff report and requesting clarification regarding the timing of the construction.

The agent clarified that the increased lot coverage request resulted primarily from the existing covered rear porch and the proposed covered front porch, the proposed additions to the dwelling would only raise the lot coverage to 33.7%.

Member Reingold highlighted that the application was not for new infill construction and, as such, needed to be assessed regarding existing conditions. The member felt the proposal would maintain the look and feel of the neighbourhood, recognized that the significant numbers in the variances resulted from the rear and front porch, and supported the application stating it was a good addition and use of the existing home.

Member Yan agreed with their colleague, stating the addition was a reasonable way to add space to the existing dwelling, which would enhance the owner's use of the dwelling, and they supported the application.

The Acting Chair supported the application noting it was an excellent addition that would enhance the streetscape.

Member Reingold motioned for approval.

**Moved By: Jeamie Reingold**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/041/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**6. A/085/22**

**Owner Name: Tim Huang, Xie Ju Fen, Huang Jinbiao**  
**Agent Name: Tim Huang**  
**9 Hughson Drive, Markham**  
**PLAN 4556 LOT 28 65R37039 PART 1**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (iii):**

a minimum exterior side yard setback of 1.90 metres, whereas the By-law requires a minimum exterior side yard setback of 2.0 metres;

b) **Amending By-law 2012-13, Section 7.2.2 (i):**

a minimum front yard setback of 7.70 metres, whereas the By-law requires a minimum front yard setback of 9.0 metres; and

c) **Amending By-law 2012-13, Section 7.2.2 (viii):**

a maximum of three-storeys, whereas the By-law permits a maximum of two-storeys within a single vertical plane;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

One piece of written correspondence had been received as a result of the public notice.

The owner, Tim Huang, appeared on behalf of the application. Tim presented the plans showing that the proposed house had been designed to line up with the adjacent house and explained that the third storey was technical as it was located in the mezzanine area over the garage.

Member Reingold indicated that the front elevation was appropriate and did not appear as three storeys. The member noted that the design conformed to the existing neighbourhood and supported the application.

Member Yan agreed with their colleague regarding massing, scale and design, stating that it was a good fit for the area, that the requests were minor, and met the four tests of the *Planning Act*.

Member Kwok agreed with their colleagues and indicated that requests were minor, primarily due to the lot's irregular shape. Additionally, the member noted that the proposed dwelling height complies with the by-law and that the request for three storeys resulted from the definition of storeys in the by-law and the grade changes in the lot.

Member Kwok supported the application.

**Moved By: Kelvin Kwok**  
**Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/085/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

7. **A/132/22**

**Owner Name: Mathiroban Shanmugalingam**  
**Agent Name: Vanle Architect Inc. (Tom Vanle)**  
**6 Wignall Crescent, Markham**  
**PLAN 4603 PT LOT 4**

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

- a) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 17.04 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 53 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent; and
- c) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 11.27 metres, whereas the By-law permits a maximum height of 9.80 metres;

as it related to a proposed two-storey detached dwelling.

The Chair introduced the application.

Three pieces of written correspondence had been received as a result of the public notice.

The agent, Tom Vanle, appeared on behalf of the application. Tom provided information regarding the context of the neighbourhood, changing construction standards and provided justification for the increased height as it related to a proposed mid-rise development on the parcel behind the property. In addition, the agent summarized the variances indicating the requests were needed to provide the owners with modern standards of living and privacy and stated that similar variances had been granted in Markham and the application met the four tests of the *Planning Act*.

Tupper Wheatley of 9 Willowgate Drive discussed the information and justifications provided by the designer for the variances. Tupper further discussed massing, the protection the infill bylaw was intended to provide from overbuilt homes and compared what was allowed on the property with what was proposed.

Angie Dornai and Jeff Stacey of 17 Riverview Avenue spoke regarding the house, indicating that while the house was a handsome design, it was disproportionate for the lot size and would not maintain the intent of the infill bylaw.

Mathi Shanmugalingam, the owner, indicated that they had purchased the property because they loved the neighbourhood and the environment. They desired to build a convenient, enjoyable house that would meet their family's needs. Mathi also noted that while the neighbourhood had been static regarding redevelopment, more significant developments were coming to the area.

The agent responded to the neighbour's concerns, indicating that this was the first proposal to build in this area in almost 20 years. Therefore, the new standards would be different from the older homes, and the existing conditions would not remain. They indicated they needed additional room to build what was desired and a home that would not be overwhelmed by new construction in the area.

Member Sampson noted that smaller one-storey bungalows characterized the area and that the Committee had refused other applications for larger builds. The member indicated that the requests for increased height and Floor Area Ratio were not minor and contributed to the overall massing of the proposed dwelling.

Member Reingold agreed with their colleague that the size of the proposed dwelling would be significant given the lot size and would be highly noticeable. The member noted the design had good proportions but felt the overall size should be decreased. Member Reingold indicated the height and massing were too large for the lot and recommended a deferral of the application.

Member Prasad suggested the applicants should work towards a reduced Floor Area Ratio of 50% and bring down the height to approximately 10 metres. Member Prasad also recommended deferring the application.

Member Yan agreed with the comment of their colleagues and indicated that the Committee had considered the context of the area that had not undergone significant infill development. The member expressed the importance of working with the applicants to arrive at a proposal that would set the tone for the street and agreed with the recommendation for deferral.

The Acting Chair summarized, indicating that the overall massing of the proposed dwelling was too large and that the Floor Area Ratio and height needed to be reconsidered and reduced.

Tom Vanle requested that the Committee would consider providing some flexibility from the recommended 10-metre height.

Member Prasad motioned for deferral.

**Moved By: Arun Prasad**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/132/22** be **deferred** sine die.

Resolution Carried

**Applications B/08/22, A/050/22, and A/058/22 were heard concurrently.**

**8. B/08/22**

**Owner Name: Xiang Yun Chen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**3 Lunar Crescent, Markham**  
**PLAN 4556 LOT 26**

The applicant was requesting provisional consent to:

- a)** sever and convey a parcel of land with an approximate lot frontage of 19.33 metres (63.42 feet) and an approximate lot area of 790.35 sq. m. (8,507.26 sq. ft.) (Part 2); and
- b)** retain a parcel of land with an approximate lot frontage of 19.58 metres (64.24 feet) and an approximate lot area of 0.05 hectares 790.35 sq. m. (8,507.26 sq. ft.) (Part 1).

The purpose of this application was to create a total of two lots for two single-detached residential dwellings. This application was related to minor variance applications A/050/22 and A/058/22.

The Chair introduced the application.

Two pieces of written correspondence in opposition had been received as a result of the public notice, as well as signatures of support submitted by the applicant.

The agent, Nikol Paar, appeared on behalf of the application. Nicole provided a presentation that detailed the requests and gave an overview of the area's ongoing redevelopment.

Colin Padgett of 7 Lunar Crescent indicated they were initially concerned about the request for three storeys but understood from the agent that the third storey was technical and that the house would be constructed within the height allowance in the By-

law. Privacy was their primary concern and indicated adequate information had been presented regarding the placement of windows. Colin indicated that it was a good design that would complement the area.

Member Sampson agreed with the staff report and noted that the area had a diverse range of homes and was in support of the applications.

Member Reingold agreed with their colleague and supported the consent and minor variance applications.

The Acting Chair indicated that the new lot and dwelling would be welcome additions to the neighbourhood and would add to the unique fabric of the area.

Member Sampson motioned for approval.

**Moved By: Patrick Sampson**  
**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **B/08/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**9. A/050/22**

**Owner Name: Xiang Yun Chen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**3 Lunar Crescent, Markham**  
**PLAN 4556 LOT 26**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (ix):**  
a maximum building depth of 21.11 metres, whereas the By-law permits a maximum building depth of 19.90 metres;
- b) **Amending By-law 2012-13, Section 7.2.2 (viii):**  
three storeys within a single vertical plane, whereas the By-law permits a maximum of two storeys within a single vertical plane; and
- c) **Amending By-law 2012-13, Section 7.2.2(v):**

a minimum lot frontage of 49.29 percent (19.18 metres), whereas the By-law requires a minimum lot frontage of 50 percent (19.455 metres);

as it related to a proposed detached dwelling (Part 1). This application was related to Minor Variance Application A/058/22 and Consent Application B/008/22, which were being reviewed concurrently.

Member Sampson motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/050/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**10. A/058/22**

**Owner Name: Xiang Yun Chen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**3 Lunar Crescent, Markham**  
**PLAN 4556 LOT 26**

The applicant was requesting relief from the requirements of By-law 221-81, as amended, to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (ix):**  
a maximum building depth of 21.11 metres, whereas the By-law permits a maximum building depth of 19.90 metres;
- b) **Amending By-law 2012-13, Section 7.2.2 (ii):**  
an interior side yard setback of 1.45 metres, whereas the By-law permits a minimum interior side yard setback of 1.80 metres; and
- c) **Amending By-law 2012-13, Section 7.2.2 (viii):**  
three storeys within a single vertical plane, whereas the By-law permits a maximum of two storeys within a single vertical plane;

as it related to a proposed detached dwelling (Part 2). This application was related to Minor Variance Application A/050/22 and Consent Application B/008/22, which were being reviewed concurrently.

Member Reingold motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/058/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**PREVIOUS BUSINESS:**

**Applications B/02/22, A/088/22, and A/089/22 were heard concurrently.**

**11. B/002/22**

**Owner Name: Graham and Caroline Dewar**  
**Agent Name: David Johnston Architect Ltd. (David Johnston)**  
**28 Station Street, Markham**  
**CON 7 PT LOT 13**

The applicant was requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate lot frontage of 23.78 meters (78.01 feet) and an approximate lot area of 485.38 square meters (5224.58 square feet) (Part 1).
- b) Retain a parcel of land with an approximate lot width of 23.78 meters (78.01 feet) and an approximate lot area of 456.73 square meters (4916.20 square feet) (Part 2). The retained lot will not have frontage on a public street.

The purpose of this application was to develop the land to hold two single detached dwellings:

1. the existing heritage house fronting Station Street, and
2. the proposed dwelling fronting Backus Court.

This application was related to Minor Variance Applications A/088/22 and A/089/22, which were being reviewed concurrently.

The Chair introduced the application.

Thirteen pieces of written correspondence had been received as a result of the public notice.

The agent, David Johnston, appeared on behalf of the application. David presented the application describing the proposed consent and, required variances, the property characteristics. He highlighted the existing conditions and technical nature of some of the requests and justified the setbacks requested. The proposal had been reviewed and worked on for an extended period to address legal issues relating to the property, considerations flagged by Markham Fire, and had also gone through a review by Heritage Markham.

Elaine Davies of 16 Backus Court presented on behalf of various residents of Backus Court. Elaine highlighted that Official Plan policies indicate that new development should respect the visible character of the area. The proposed dwelling's height, massing and scale were significantly larger than other homes on Backus Court. Also highlighted in the presentation were setbacks, hard surfaces, views and vistas and the previous removal of trees from the property. Elaine summarized that the four tests of the *Planning Act* had not been met.

Ruth and Glen Park of 12 Backus Court were glad the heritage house would be restored. However, they indicated concerns that the proposed use of the property on Backus Court would be for industrial or commercial uses. Additionally, they questioned the removal of trees and fire safety.

David Johnston addressed the resident questions indicating that Markham Fire Safety had requested the installation of a sprinkler system to offset any delays in reaching the property due to the narrow access way. David also spoke about tree removal and the necessary permissions required to remove trees.

Member Sampson did not have concerns regarding the Station Street proposal and expressed that the home on Backus Court appeared too large and out of keeping for the area.

Member Reingold agreed with member Sampson indicating that the heritage-style home was out of keeping with the rest of the streetscape.

Member Yan reviewed the report and considered the development history of the property. The member noted that the lot at 11 Backus Court was different than the lot patterning on the street. However, the proposal had gone through the process, and Heritage Markham had not raised concerns. Member Yan indicated that the consent complied with the policies in the Official Plan for lot creation.

David Johnston responded that the key planning door for the property was Heritage Markham, and the proposal had been reviewed and approved. The agent also indicated that senior planning staff had reviewed the proposed development on Backus Court and

had provided support for the requested front yard setback. The proposed dwelling met all other development standards of the by-law.

Member Reingold indicated the concern was not with the size but how the proposal fits within the area's existing character.

The Acting Chair indicated they did not have concerns with the consent nor issues with the requested minor variances stating they were minor. However, they noted the concerns of the Committee with regards to meeting the intent of the Official Plan policies relating to respecting the character of existing neighbourhoods.

Member Prasad recommended deferral of the applications.

After discussion with staff, the applicants and the Committee, the applicant requested decisions for applications B/002/22 and A/088/22 and a deferral for application A/089/22.

Member Reingold motioned for approval.

**Moved By: Jeamie Reingold**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **B/002/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**12. A/088/22**

**Owner Name: Graham and Caroline Dewar**  
**Agent Name: David Johnston Architect Ltd. (David Johnston)**  
**28 Station Street, Markham**  
**CON 7 PT LOT 13**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

- a) **By-law 153-80, Section 7.2(b):**  
A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters;
- b) **By-law 153-80, Section 7.2(b):**

A rear yard setback of 2.4 meters, whereas the By-law requires a minimum of 7.5 meters; and

**c) By-law 153-80, Section 5.4:**

a lot without frontage on a street; whereas the by-law requires a lot upon which a building or structure is erected to abut or front a public street.

as it related to proposed detached dwelling on the retained lot. This application is related to Minor Variance Application A/089/22 and Consent Application B/002/22, which were being reviewed concurrently.

Member Reingold motioned for approval.

**Moved By: Jeamie Reingold**

**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/088/22** be **approved** subject to conditions contained in the staff report, as amended.

Resolution Carried

**13. A/089/22**

**Owner Name: Graham and Caroline Dewar**

**Agent Name: David Johnston Architect Ltd. (David Johnston)**

**11 Backus Court, Markham**

**CON 7 PT LOT 13**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

**a) By-law 153-80, Section 7.2(b):**

A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters.

as it related to a proposed detached dwelling on the severed lot. This application was related to Minor Variance Application A/088/22 and Consent Application B/002/22, which were being reviewed concurrently.

Member Prasad motioned for deferral.

**Moved By: Arun Prasad**  
**Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/089/22** be **deferred** sine die.

Resolution Carried

Adjournment

**Moved by: Arun Prasad**  
**Seconded by: Jeamie Reingold**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 10:43 pm, and the next regular meeting would be held on October 5, 2022.

CARRIED



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Secretary-Treasurer  
Committee of Adjustment



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Chair  
Committee of Adjustment