



CITY OF MARKHAM
Virtual Meeting on Zoom

January 18, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 1st regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 PM
Arun Prasad	7:00 PM
Jeamie Reingold	7:00 PM
Patrick Sampson	7:00 PM

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Aaron Chau, Development Technician, Zoning and Special Projects

Regrets

Gregory Knight Chair
Sally Yan
Kelvin Kwok

DISCLOSURE OF INTEREST

None

Minutes: December 07, 2022 and December 14, 2022

THAT the minutes of Meeting No. 22, of the City of Markham Committee of Adjustment, held December 07, 2022 respectively, be:

- a) Approved on January 18, 2023.

Moved By: Patrick Sampson
Seconded By: Arun Prasad

THAT the minutes of Meeting No. 23, of the City of Markham Committee of Adjustment, December 14, 2022 respectively, be:

b) Approved on January 18, 2023

Moved By: Arun Prasad
Seconded By: Patrick Sampson

Carried

The Secretary-Treasurer acknowledged a recommendation for deferral by the TRCA and Staff for item No. 7 A/205/22 37 Main St. Unionville. The applicant requested the application be heard. The Acting Chair directed that the application be heard according to the agenda order.

PREVIOUS BUSINESS

1. **A/141/22**

Owner Name: Kuwardeep Singh
Agent Name: Gregory Design Group (Shane Gregory)
33 Windridge Drive, Markham
PLAN 4429 LOT 38

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 (vi):**
a maximum floor area ratio of 50.00 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Amending By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 21.03 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- c) **Table 11.1:**
a flankage yard of 7.38 feet whereas the By-law requires a flankage yard of 10 feet;
- d) **Section 11.2 (c)(i):**
eaves to encroach 24 inches into a required yard, whereas the By-law permits 18 inches; and
- e) **Section 11.2 (c)(i):**
a porch with stairs to encroach 36 inches, whereas the By-law permits 18 inches;

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

The Acting Chair introduced the application.

The agent, Shane Gregory, appeared on behalf of the application indicating the floor area ratio had been reduced to 50 percent.

Member Prasad expressed that the applicant had returned with a good design and motioned for approval with conditions.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/141/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

2. A/167/22

Owner Name: Hugo Blasutta
Agent Name: Spragge + Company Architects Ltd. (Tom Spragge)
15 Fairway Heights Crescent, Thornhill
PLAN 6350 LOT 68

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(iii):

a maximum building depth of 20.64 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

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

The Acting Chair introduced the application.

The agent, Tom Spragge, appeared on behalf of the application and explained that the extra depth requested was for the front and rear porches.

The Acting Chair commended the applicant for a thoughtful design.

Member Reingold expressed that the proposal was a good transitional design that respected the neighbourhood's character. The member indicated depth was mitigated by the design and there would be no significant impacts on the neighbourhood.

Member Reingold motioned for approval with conditions.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/167/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/157/22

Owner Name: Bonnie Tam
Agent Name: Zero Degree Studio Inc. (Roy Chan)
60 Herbert Wales Crescent, Markham
PLAN 65M4026 LOT 263

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

a) Section 5, Table B2:

a minimum front yard setback of 4.1 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres;

as it related to a proposed second storey addition.

The Acting Chair introduced the application.

The agent, Roy Chan, appeared on behalf of the application.

The Acting Chair indicated that the requested front yard setback was minor, and the design made a nice transition from the arch to the addition above.

Member Reingold expressed that the setback was minor and the proposal would be a seamless addition to the existing house.

Member Reingold motioned for approval with conditions.

Moved By: Jeamie Reingold

Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/157/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/219/22

Owner Name: Dang Chi Thuan
Agent Name: Arani Architecture (Shadi Arani)
76 Fred Varley Drive, Markham
PLAN 7566 LOT 351

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

- a) **Section 6.1:**
a lot coverage of 37.44 percent, whereas the By-law permits 33.33 percent; and
- b) **Section 6.1:**
a maximum building height of 26 feet, whereas the By-law permits 25 feet;

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

The Acting Chair introduced the application.

The agent, Shadi Arani, appeared on behalf of the application. The agent addressed the requested variances and indicated the neighbours had no concerns.

Christiane Bergauer-Free, 145 Krieghoff Avenue, spoke, indicating it was a large house on one of the smallest properties in the area. Christiane expressed concerns regarding flooding, tree protection, overbuilding, and the burden on existing infrastructure, and the lack of green building practices.

The Acting Chair noted that tree protection conditions were recommended in the staff report and said that the Committee was familiar with drainage concerns in the area.

Member Reingold indicated that the height was minor. However, the house massing was considerable with a significant house-to-lot ratio; therefore, while the numbers were low, it looked big with an imposing massing.

The Acting Chair agreed with Member Reingold that the massing appeared considerable; however, the house met the setbacks and was within the prescribed building envelope.

Member Prasad agreed with their colleagues that the requested height was minor and the house looked large but was reasonable.

Member Sampson expressed that massing of this significance when requested through floor area ratio would not be considered minor by the Committee.

Member Prasad motioned for approval with conditions.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/219/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/200/22

Owner Name: Xiyin Zhou
Agent Name: Memar Architects Inc. (Lucy Mar Guzman)
180 Krieghoff Avenue, Markham
PL 7566 LT 110

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

- a) **Section 6.1:**
a minimum front yard setback of 21 feet 5 inches, whereas the By-law requires a minimum front yard setback of 27 feet;
- b) **Section 6.1:**
A minimum side yard setback of ~~4 feet~~ **5.5 feet (1.68 metres)**, whereas the By-law requires a minimum side yard setback of 6 feet; **(amended)**
- c) **Section 6.1:**
A maximum lot coverage of ~~37.72~~ **36.1 percent**, whereas the By-law requires a maximum lot coverage of 33-1/3 percent; and **(amended)**
- d) **Section 6.1:**

a maximum building height of 26 feet, whereas the By-law permits a maximum building height of 25 feet;

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

The Acting Chair introduced the application.

The agent, Sean Toussi, appeared on behalf of the application. The agent indicated they had redesigned to protect the tree at the rear of 182 Krieghoff Avenue. The front yard setback was requested for only the front porch, and the main wall of the house would be in line with the adjacent properties.

The Committee received six written pieces of correspondence.

Julie Sellery, 38 Gainsville Avenue, spoke about the impact of infill development within Varley Village. Julie noted the cumulative impacts of the requested variances, indicating that the request was not minor, and the applicant did not demonstrate how the requested variances met the tests of the *Planning Act*.

Laurie Tarascio and Frank Tarascio, 182 Krieghoff Avenue, said the requests were not minor, and the lot coverage request had significant environmental impacts. Frank indicated that the reduced side yard setback would impact drainage from the property, and the build had the potential to negatively impact their property as their property had a lower grade than the applicants.

Christiane Bergauer-Free, 145 Krieghoff Avenue, spoke regarding the impacts of reduced side yards, including the lack of appropriate space for drainage swales, the difficulty of repairs, lack of privacy, shadowing, and damage to neighbouring trees. In addition, Christiane expressed that infill construction within the community had resulted in flooding to neighbouring properties with no remediation for improper grading or impacts to existing trees.

Mark Scarrow, 4 Callahan Road, expressed that the applicant had neither demonstrated a need for the requested relief nor provided justification of how the minor variances met the requirements of the *Planning Act*; instead, it appeared they were seeking a larger house. The requests were not minor nor desirable as they resulted in a large home that would impact residents of the neighbourhood.

Ian Free, 145 Krieghoff Avenue, indicated the requested side and front yard reductions were excessive. While the height was a minor request, lowering the house would not mitigate the runoff from the roof that was increased even more significantly by the requested increased lot coverage.

Elizabeth Brown, 65 Lincoln Green Drive, spoke regarding the significance of the increased lot coverage. The increased lot coverage impacted the overall size of the

house and the requested lot coverage resulted in a twenty-six percent size increase for a two-storey house.

Sean Toussi spoke to the neighbour's concerns, indicating that the owners wished to have a build that would last for years and meet modern living standards. Grading and drainage, construction, trees and fire concerns would be addressed through other permit applications.

Member Reingold indicated the lot was a nice size for a subdivision lot but it was not an estate lot. However, the proposed house was a mansion-sized home which was large by anyone's definition. The member expressed that new builds of this size and massing should not have requests for reduced side yards. The proposal's massing was emphasized by design choices that did not add to the neighbourhood's character. It appeared that no attempt had been made to blend the home with the existing residences. Therefore, the member did not support the application as presented.

Member Prasad agreed that the house was too large for the lot and asked the architect to provide details of the interior spaces.

Sean Toussi indicated that they would be willing to reduce the side yard setback to help address the neighbour's concerns, which, by nature, would reduce the lot coverage. Sean requested the Committee table the application until later in the meeting to allow architectural firm staff to calculate the reductions. Making the changes at the meeting would allow the owner to move forward with rebuilding the fire-damaged house.

The Acting Chair agreed to table the application.

Member Prasad motioned to table the application to be heard after the final agenda item.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

The Acting Chair brought the application back to consideration by the Committee after Agenda item No 7.

Sean Toussi indicated they had achieved a side yard setback of 5.5 feet (1.68 metres) which would result in a reduced lot coverage of 36.1 percent.

Member Reingold thanked the architect for the modifications and motioned to approve the amended variances with conditions.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

The Committee unanimously approved the amended application.

THAT Application No. **A/200/22, as amended**, be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/206/22

Owner Name: Yue Luo
Agent Name: Lumeng Yang
21 Walkerton Drive, Markham
PLAN 7326 LOT 72

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

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

a maximum floor area ratio of 53.6 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

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

The Acting Chair introduced the application.

The agent, Lumeng Yang, appeared on behalf of the application.

Two written comments were submitted in response to the public notice.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the current zoning and Official Plan policies, as well as existing architectural characteristics of the neighbourhood. Elizabeth emphasized that the floor area ratio was established in the infill by-law to help limit massing. The applicant had applied for a variance to floor area ratio while leaving a very large open to below area in the proposal. It was noted that there was limited infill construction on the street, and this build would set the tone.

The Acting Chair noted the design incorporated significant open-to-below space, which contributed to the massing, and the request was far greater than the Committee typically considered for approval.

Member Sampson indicated that the proposal was overbuilding for the size of the property, with the open-to-below area contributing to the massing. If calculated in the floor area ratio, it would result in a floor area ratio closer to 70 percent.

Member Prasad indicated that a floor area ratio of this size could not be supported for the area and recommended deferral to have the applicant reduce the floor area ratio.

Member Reingold agreed with their colleagues that when designing infill development, size and massing mattered.

Lumeng Yang indicated they were willing to reduce the floor area ratio to 50 percent and presented alternate plans.

Elizabeth Brown commented that the 50 percent floor area ratio in the alternate plans still showed considerable open to below area. It was difficult to determine the massing of the proposed house without time to look at the new plans.

The Acting Chair and Member Prasad agreed that they wanted to assess the plans before making a decision.

Member Sampson indicated that the applicant needed to consider further reductions beyond 50 percent.

Member Reingold specified that given the open to below shown in the revised plans, it appeared that the further reductions were needed, as the proposed massing was over one-third larger than other homes in the neighbourhood.

The Acting Chair advised the applicant that the Committee was looking for further reductions to the design below the 50 percent floor area ratio presented in the revised plans and recommended deferral of the application.

Member Prasad motioned for deferral.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No. **A/206/22** be **deferred** sine die.

Resolution Carried

7. A/205/22

Owner Name: 2504373 Ontario Inc. (Henry Wong)
Agent Name: Memar Architects Inc. (Lucy Mar Guzman)
37 Main Street, Unionville
CON 6 PT LT 9

The applicant was requesting relief from the requirements of By-law 304-87, as amended, to permit:

a) **By-law 28-97, Section 3.0, Table B:**

18 parking spaces, whereas the By-law requires a minimum of 24 parking spaces;

b) **By-law 2017-115, Section 85.2(d):**

an 8.01 metres north yard setback, whereas the By-law requires a minimum of 11 metres;

as it related to a proposed two-storey commercial plaza.

The Acting Chair introduced the application.

The agent, Sean Toussi, appeared on behalf of the application. The applicant had been working through the design process since 2016 and had an approved zoning by-law. However, with the new 2022 TRCA flood line, the plans required revision to the basement. The changes resulted in the mechanical moving from the basement to the main building. No significant changes had been made to the design, and the requests were technical and minor.

Christiane Bergauer-Free, 145 Krieghoff Avenue, indicated the parking area of this property regularly floods.

Member Sampson asked for clarification if the Committee approval was independent of the approval of TRCA.

The Acting Chair indicated that TRCA approval was required for a building permit, and the Committee could approve the application reliant on the condition listed in the staff report that the applicant satisfies the requirement of the TRCA.

Greg Whitfield confirmed that TRCA approval was required to obtain a building permit under Applicable Law, and the Committee approval would be conditional.

Sean Toussi explained that all requirements of the Conservation Authority would be met during the permitting process, and both the TRCA and Committee of Adjustment conditions would be satisfied.

The Acting Chair indicated the Committee could proceed with a decision reliant on conditions and other permit processes.

Member Prasad motioned for approval subject to the conditions in the staff report.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/205/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:45 pm, and the next regular meeting would be held on February 01, 2023.

CARRIED

Original Signed
February 01, 2023
Secretary-Treasurer
Committee of Adjustment

Original Signed
February 01, 2023
Chair
Committee of Adjustment