

Memorandum to the City of Markham Committee of Adjustment

January 5, 2022

File: A/141/22
Address: 33 Windridge Drive, Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, January 18, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential One (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 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) By-law 1229, Table 11.1:

a flankage yard of 7.38 ft whereas the By-law requires a flankage yard of 10 ft;

d) By-law 1229, Section 11.2 (c)(i):

eaves to encroach 24 inches into a required yard, whereas the By-law requires 18 inches; and

e) By-law 1229, Section 11.2 (c)(i):

a porch with stairs to encroach 36 inches, whereas the By-law requires 18 inches.

BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the December 7, 2022 hearing, for the applicant to address the Committee’s concern over the floor area ratio variance of 51.53% (Refer to Minutes - Appendix “E”). In revising the proposal, the applicant has also made a revision to the requested flankage yard variance. The initial variances requested are identified in the October 5, 2022 Staff Report (Appendix “C”).

COMMENTS

On December 13, 2022, the applicant submitted revised drawings reducing the floor area by 12.45 m² (134.01ft²), to now propose a floor area ratio of 50.00% and a flankage yard of 7.38 ft (2.24 m). 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. The remaining requested variances are unchanged.

The revised floor area ratio variance will facilitate the construction of a two-storey detached dwelling and attached two car garage with an approximate total gross floor area

of 406.99 m² (4,380.80 ft²). This is an increase of 40.75 m² (438.62 ft²) above the maximum permitted floor area ratio of 45%. Staff remain of the opinion that the proposed floor area ratio will not result in an overdevelopment of the site.

The applicant is requesting a flankage yard of 7.38 ft (2.24 m), which is a reduction of 0.13 ft (0.03m) from the previous submission. The requested variance applies to the unenclosed porch on the south elevation, which represents a minor component of the dwelling. The flankage yard setback from the south property line to the main wall is 3.05 ft (1.02 m), which complies with the requirements of the By-law. As such, staff have no concerns with the requested variance.

Also, as documented in the October 5, 2022 staff report, staff do not object to approval of variances related to the maximum building depth, and eaves and porch encroachments.

PUBLIC INPUT SUMMARY

Further to the six (6) letters of support and one (1) letter of opposition received as of November 30, 2022, the City received no new correspondence. 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 request meets the four tests of the Planning Act and have no objection. 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 Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/141/22

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. That the flange yard setback reduction apply to the one-storey portion of the dwelling only.
4. 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.
5. 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.
6. 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:



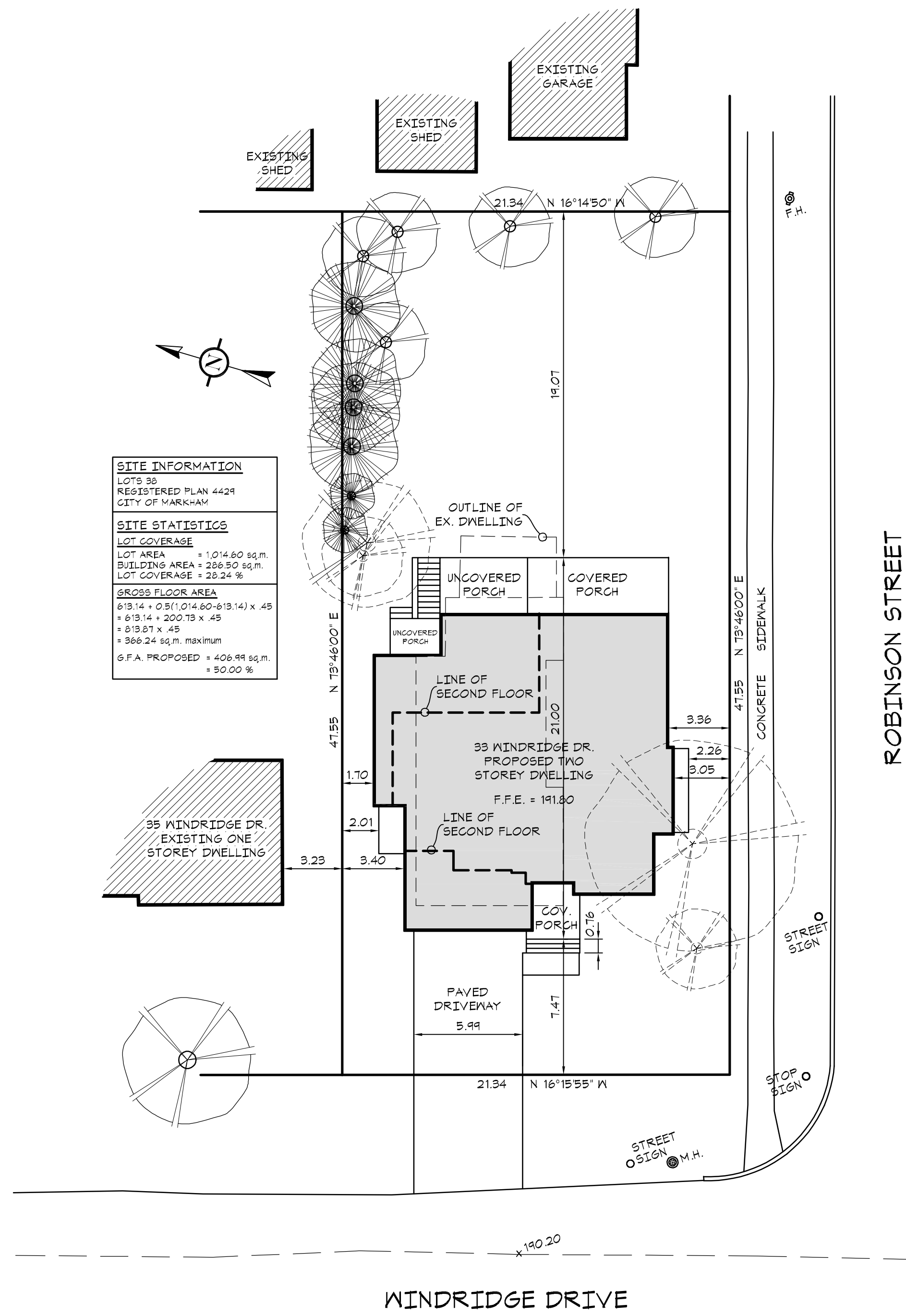
Brashanthe Manoharan, Planner II, East District

APPENDIX "B"

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/141/22

APPENDIX "C"
STAFF REPORT DATED OCTOBER 5, 2022

APPENDIX "D"
MINUTES EXTRACT

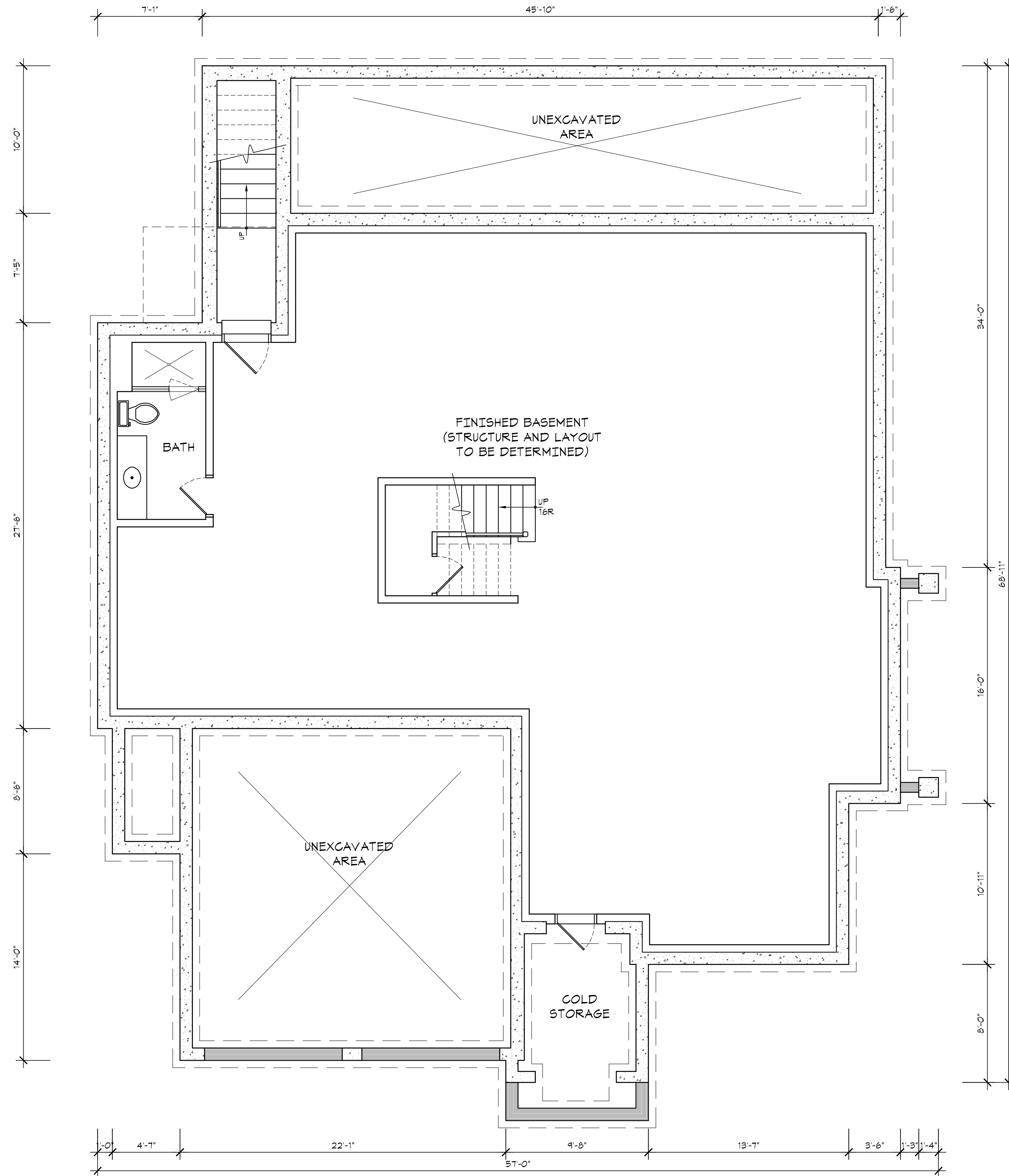


SITE INFORMATION
 LOTS 30
 REGISTERED PLAN 442R
 CITY OF MARKHAM

SITE STATISTICS
 LOT COVERAGE = 1014.80 sq.m.
 LOT AREA = 286.50 sq.m.
 BUILDING AREA = 286.50 sq.m.
 LOT COVERAGE = 28.24 %

SRCS FLOOR AREA
 8'3.14' x 2'51.014' 80'-0" 8'3.14' x 45'
 = 613.14' x 200.13' x 45'
 = 819.87' x 45'
 = 368.24 sq.m. maximum
 G.F.A. PROPOSED = 408.98 sq.m.
 = 50.00 %

SITE PLAN
 SCALE = 1:150



BASEMENT & FOUNDATION PLAN

GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
 CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
 DO NOT SCALE DRAWINGS.
 OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
 THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506

Russ Gregory
 NAME SIGNATURE

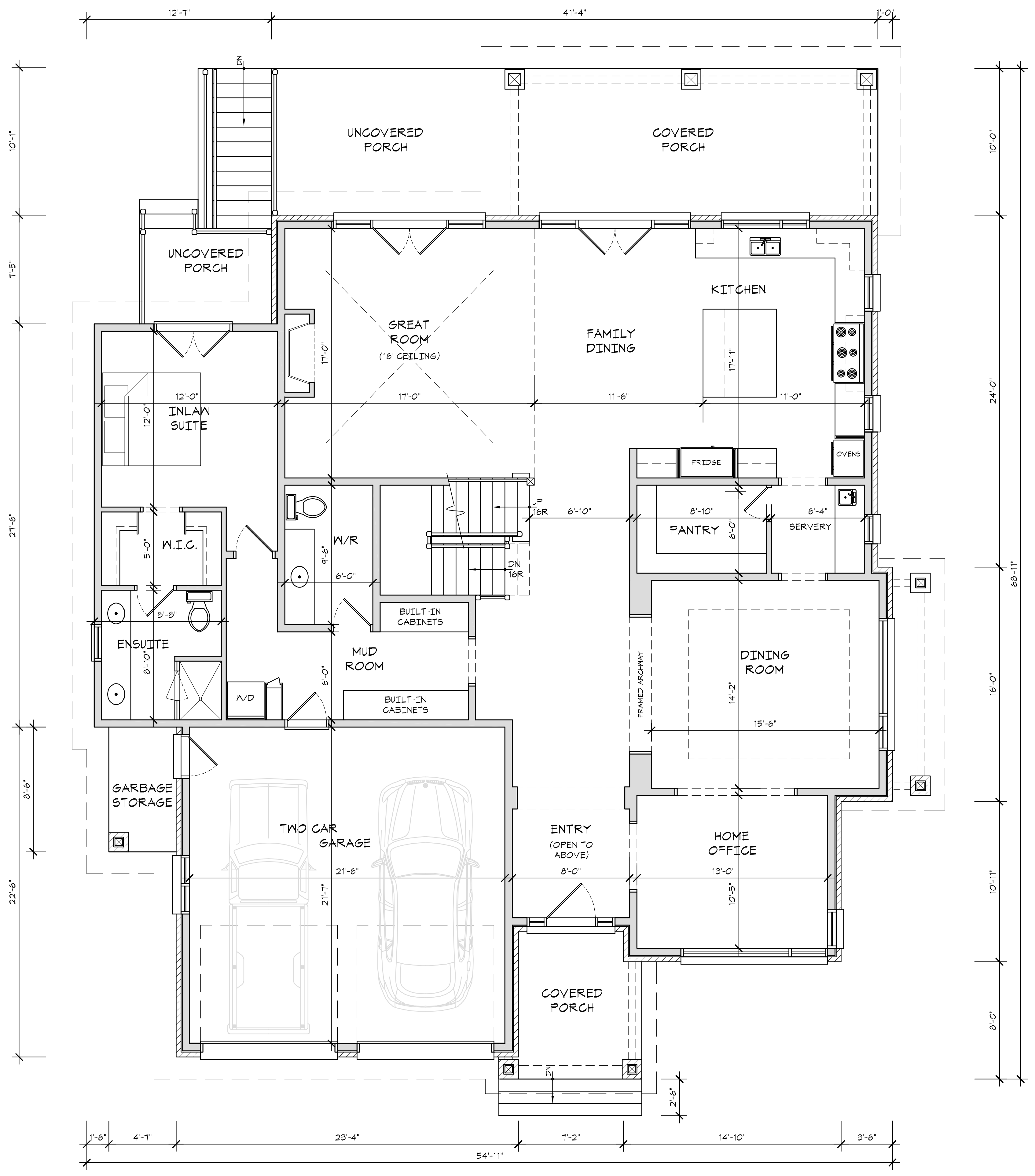
PROJECT TITLE

PROPOSED HOUSE DESIGN
33 WINDRIDGE DRIVE
CITY OF MARKHAM

THE GREGORY DESIGN GROUP

16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 12/13/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-1
DRAWN BY S.Gregory	A-1
CHECKED BY R.G.	



GROUND FLOOR PLAN

FLOOR AREA = 2,154 sq.ft.
 GARAGE AREA = 512 sq.ft.
 TOTAL NFA = 2,666 sq.ft. (247.67 sq.m.)
 BUILDING AREA = 3,084 sq.ft. (286.50 sq.m.)

GENERAL NOTES:
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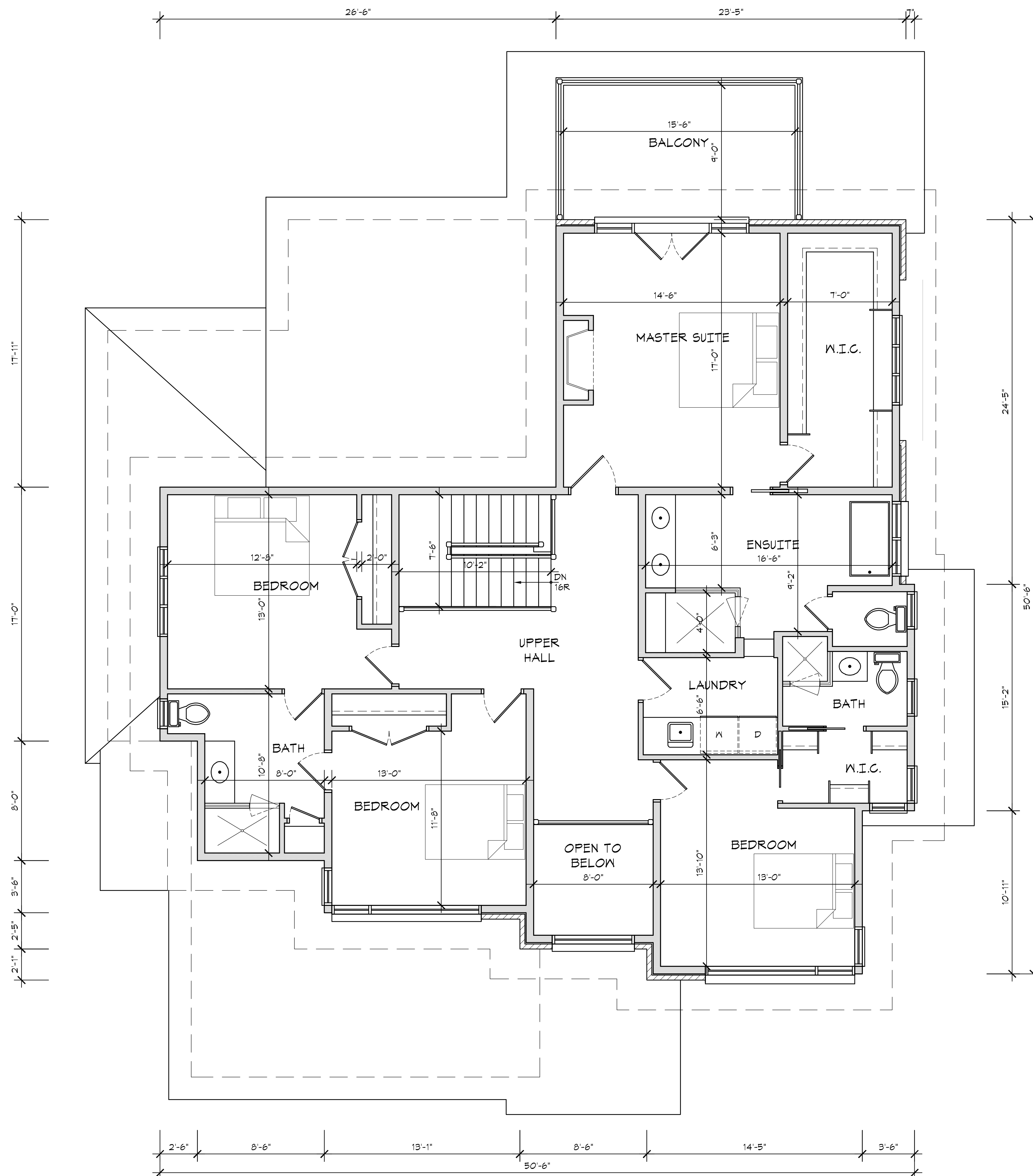
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SCALE 1/4"=1'-0"	DATE 12/13/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-2
DRAWN BY S.Gregory	CHECKED BY R.G.



SECOND FLOOR PLAN
 FLOOR AREA = 1,850 sq.ft.
 OPEN SPACE = 135 sq.ft.
 TOTAL NFA = 1,715 sq.ft. (159.32 sq.m.)

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SCALE 1/4"=1'-0"	DATE 12/13/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-3
DRAWN BY S.Gregory	CHECKED BY R.G.



FRONT ELEVATION



RIGHT SIDE ELEVATION

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33 WINDRIDGE DRIVE
CITY OF MARKHAM

THE GREGORY DESIGN GROUP
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 MARKHAM, ONTARIO L3P 2L6
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 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 12/13/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.



REAR ELEVATION



LEFT SIDE ELEVATION

GENERAL NOTES:
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Russ Gregory
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 33 WINDRIDGE DRIVE
 CITY OF MARKHAM

THE GREGORY DESIGN GROUP
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SCALE 1/4"=1'-0"	DATE 12/13/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-5
DRAWN BY S.Gregory	CHECKED BY R.G.

Appendix C

File: 22.251927.000.00.MNV

Date: 01/13/23
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment September 26, 2022

File: A/141/22
Address: 33 Windridge Drive, Markham
Applicant: Gregory Design Group (Shane Gregory)
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, October 5, 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 52.40 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) By-law 1229, Table 11.1:

a flankage yard of 7.51 ft whereas the By-law requires a flankage yard of 10 ft;

d) By-law 1229, Section 11.2 (c)(i):

eaves to encroach 24 inches into a required yard, whereas the By-law requires 18 inches; and

e) By-law 1229, Section 11.2 (c)(i):

a porch with stairs to encroach 36 inches, whereas the By-law requires 18 inches.

BACKGROUND

Property Description

The 1,104.60 m² (11,889.81 ft²) subject property is located on the east side of Windridge Drive, north of Highway 7 and west of Markham Road. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being constructed as infill developments.

The property currently contains a one-storey detached dwelling with an attached carport. Mature vegetation exists on the property which includes 2 large trees in the exterior side yard and several trees along the north and east property lines.

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 424.92 m² (4,573.80 ft²).

The applicant is requesting variances to the floor area ratio, building depth, flankage yard, eaves encroachment, and front porch stairs encroachment 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, and the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential 1 (R1)” zone requirements 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 depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on July 20, 2022 to confirm the variances required for the proposed development.

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, and
- 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 52.40 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 424.92 m² (4,573.80 ft²), whereas the By-law permits a dwelling with a maximum floor area of 366.24 m² (3,942.17ft²). This represents an increase of approximately 58.68 m² (631.62 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. This is not a definitive measure of the mass of the dwelling, as 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. The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of nearby infill homes that have obtained variance approval for similar increases in floor area ratio ranging between 50.6 percent and 55.3 percent.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 21.03 m (68.99 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.11 ft). This represents an increase of approximately 4.23 m (13.87 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.

The variance applies mainly to the front and rear covered porches which adds approximately 5.97 m (19.59 ft) to the overall depth of the building. The main component of the building, excluding the front and rear porch, has a depth of approximately 16.52 m (54.2 ft), which complies with the by-law requirement.

Reduced Flankage Yard Setback

The applicant is requesting a flankage yard of 7.51 ft (2.28 m) whereas the By-law requires a flankage yard of 10 ft (3.04 m), which is a reduction of 2.51 ft (0.75 m).

The requested variance applies to the unenclosed porch on the south elevation, which represents a minor component of the dwelling. The flankage yard setback from the south property line to the main wall is 3.05 ft (1.02 m), which complies with the requirements of the By-law. As such, staff have no concerns with the requested variance.

Front Porch Stairs Encroachment

The applicant is requesting a porch with stairs to encroach 36 inches, whereas the By-law requires 18 inches, which is a reduction of 18 inches. Staff are of the opinion that the requested variance will facilitate an architectural element that will have an increased usability while not adversely impact the flankage yard. As such, it is the opinion of Staff that the variance is considered minor in nature and meets the general intent and purpose of the Zoning By-law.

Increase in Maximum Eaves Encroachment

The applicant is requesting a maximum eaves encroachment 24 inches into a required yard, whereas the By-law requires 18 inches, which is a reduction of 6 inches. Staff are of the opinion that the requested variance is technical in nature, and have no objections.

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 26, 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 variances requested meets the four tests of the Planning Act and have no objection. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/141/22

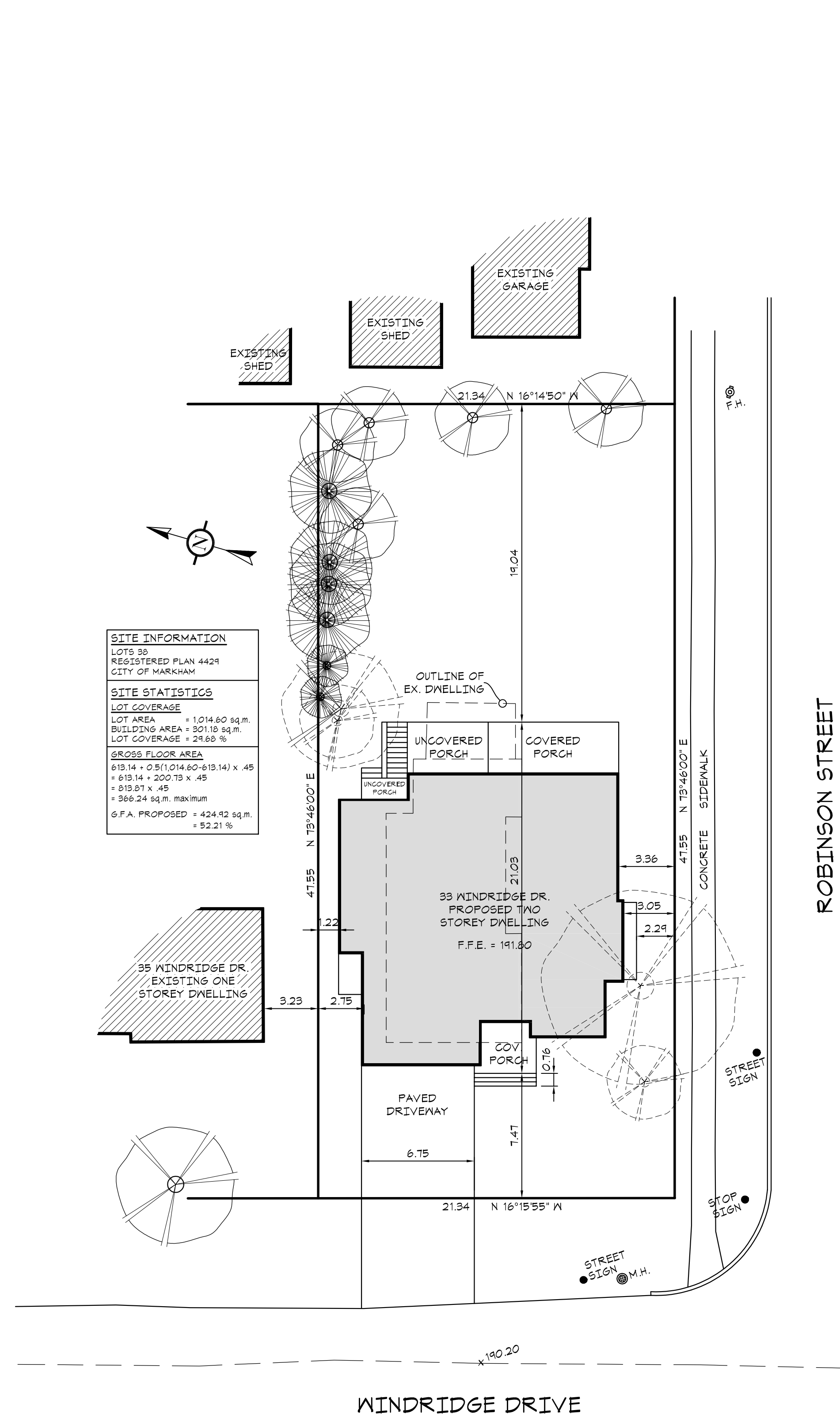
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3. That the flankage yard setback reduction apply to the one-storey portion of the dwelling only.
4. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as 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.
5. 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.
6. 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:

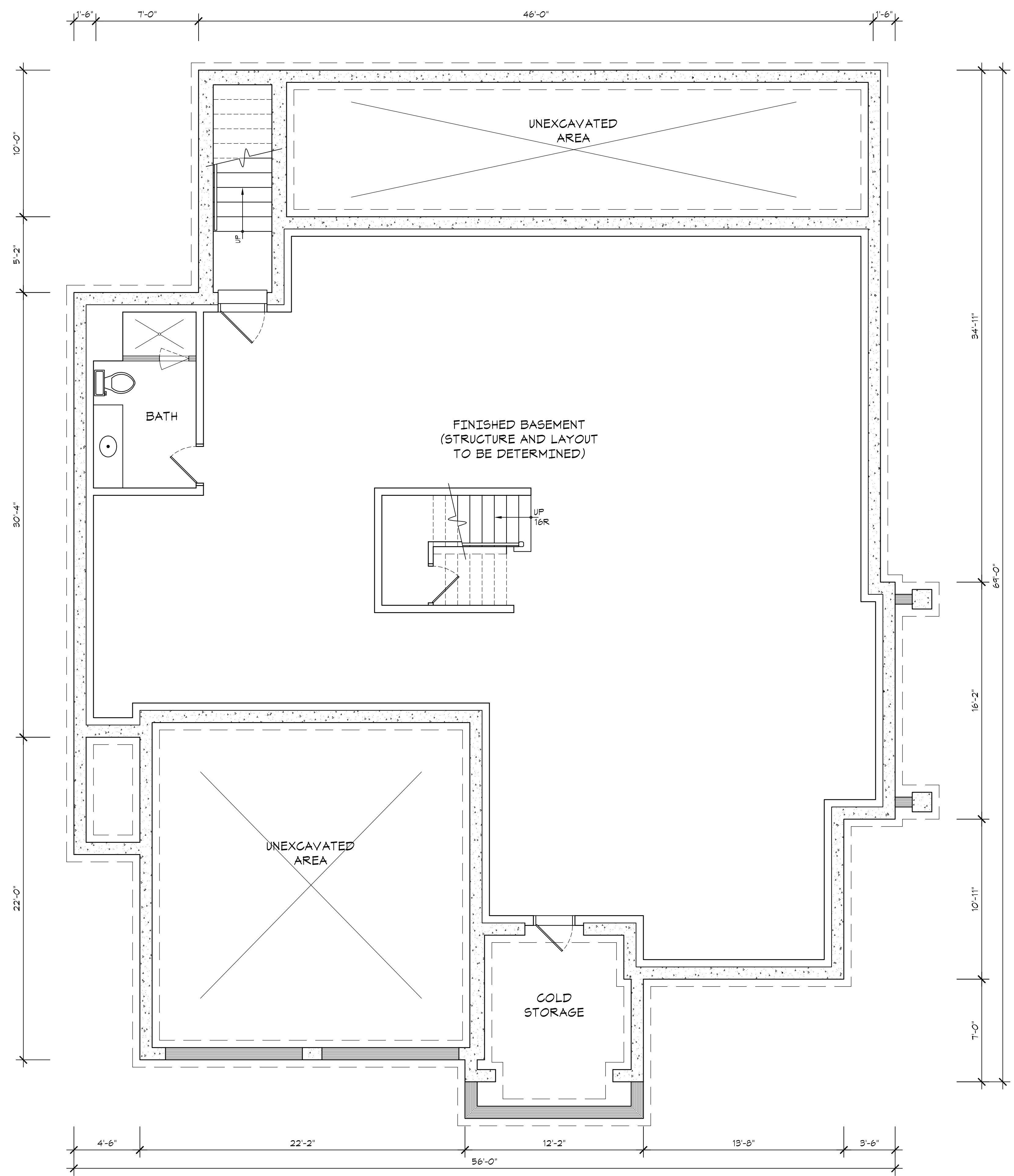


Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/141/22



SITE PLAN
 SCALE = 1:150



BASEMENT & FOUNDATION PLAN

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

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REVISIONS AND DATA	DATE

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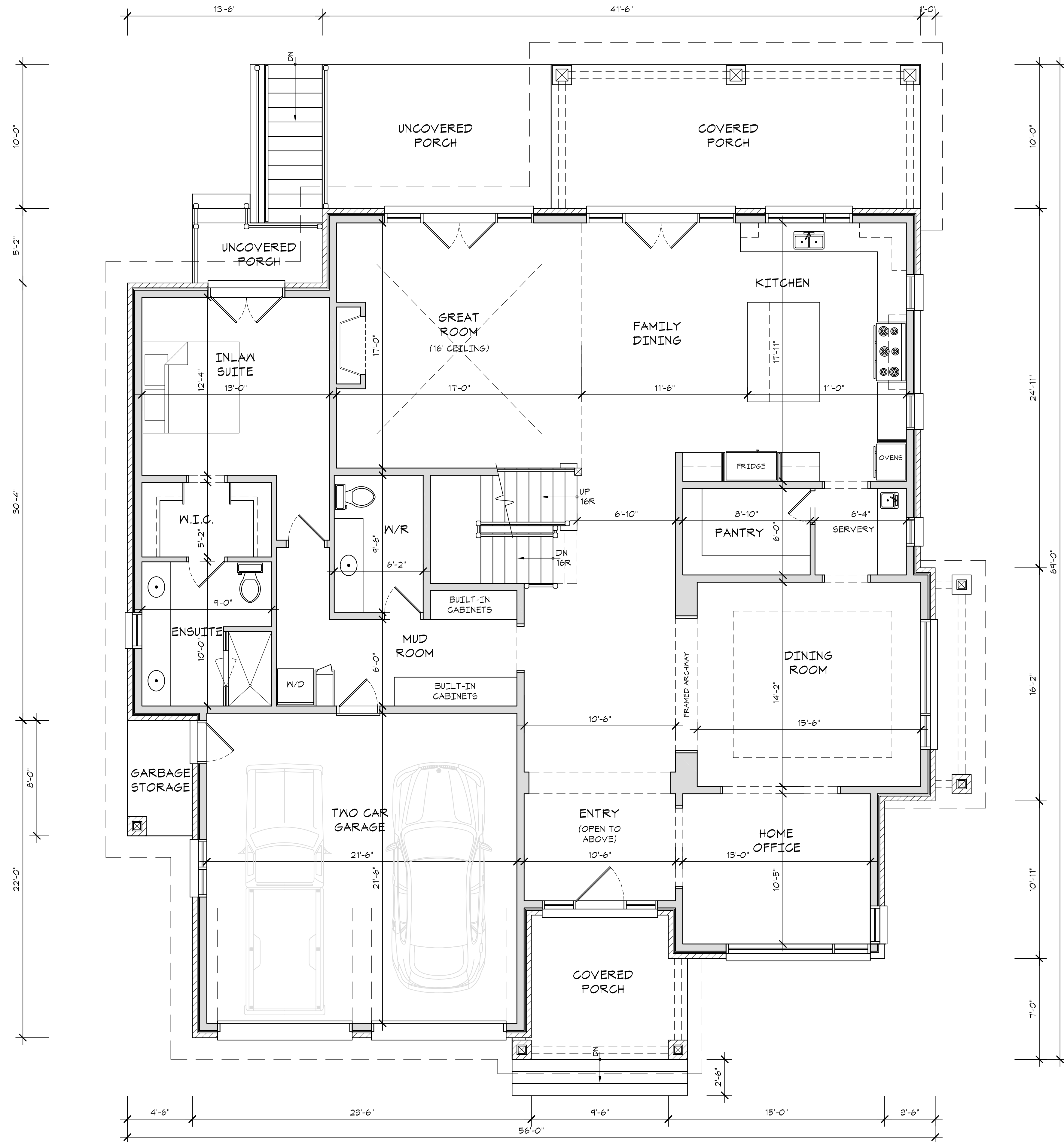
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PROJECT NUMBER 2380-22	SHEET NUMBER A-1
DRAWN BY S.Gregory	CHECKED BY R.G.



GROUND FLOOR PLAN

FLOOR AREA = 2,291 sq.ft.
 GARAGE AREA = 514 sq.ft.
 TOTAL NFA = 2,805 sq.ft. (260.58 sq.m.)
 BUILDING AREA = 3,242 sq.ft. (301.18 sq.m.)

GENERAL NOTES:
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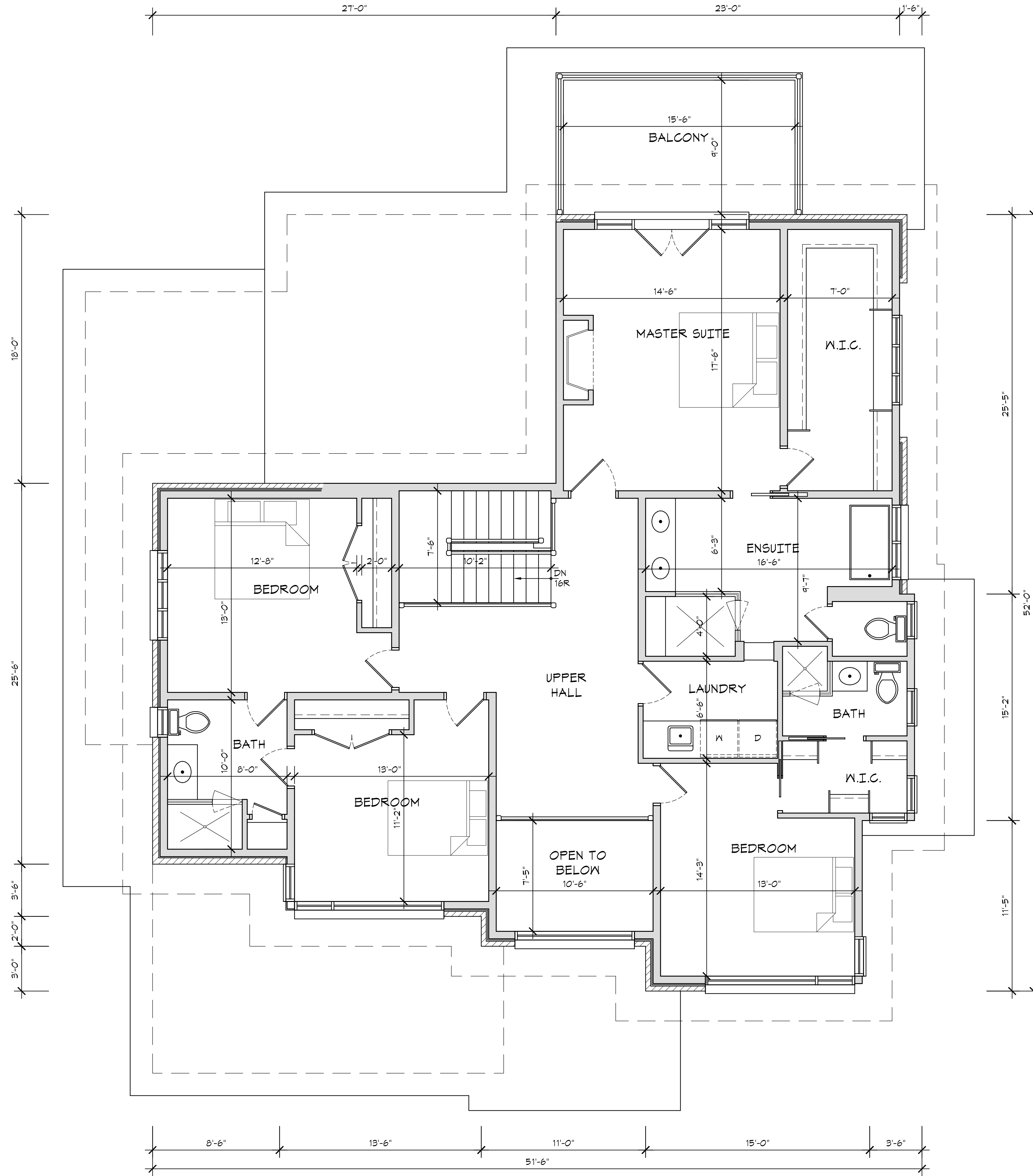
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

PROJECT TITLE
PROPOSED HOUSE DESIGN
33 WINDRIDGE DRIVE
CITY OF MARKHAM

THE GREGORY DESIGN GROUP
 16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 07/18/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-2
DRAWN BY S.Gregory	CHECKED BY R.G.



SECOND FLOOR PLAN

FLOOR AREA = 1,923 sq.ft.
 OPEN SPACE = 154 sq.ft.
 TOTAL NFA = 1,769 sq.ft. (164.34 sq.m.)

GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
 CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
 DO NOT SCALE DRAWINGS.
 OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
 THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

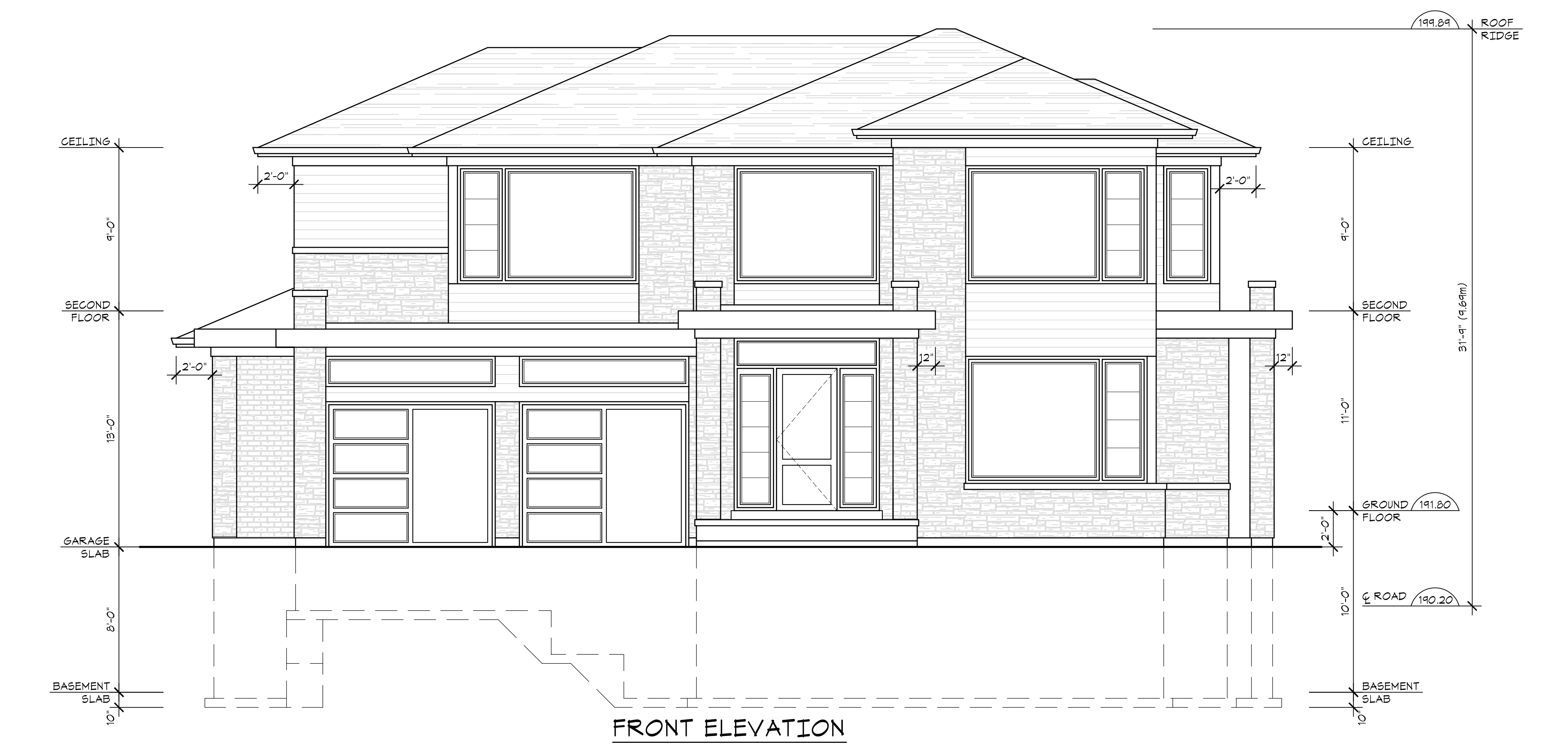
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SCALE 1/4"=1'-0"	DATE 07/18/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-3
DRAWN BY S.Gregory	CHECKED BY R.G.



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 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

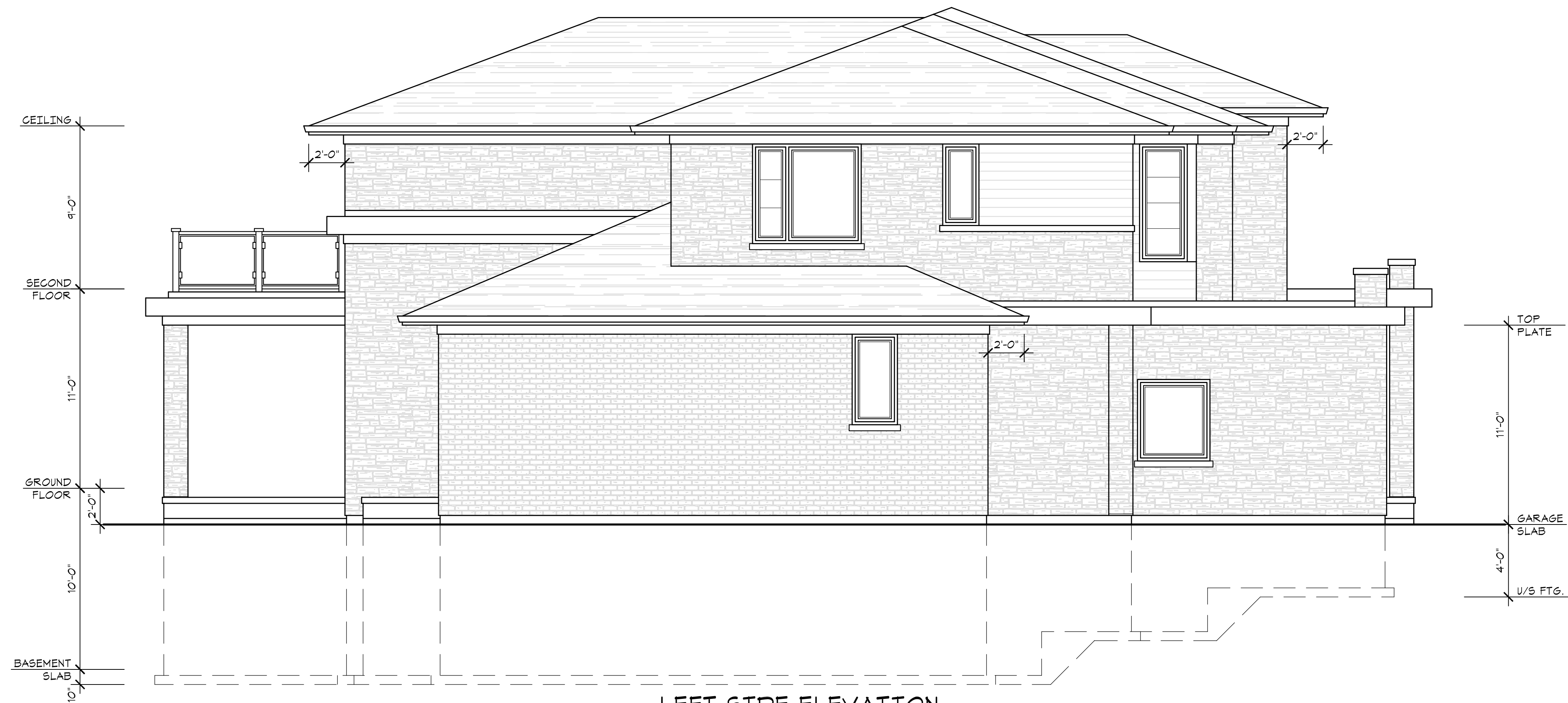
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33 WINDRIDGE DRIVE
CITY OF MARKHAM

THE GREGORY DESIGN GROUP
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 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
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SCALE 1/4"=1'-0"	DATE 07/18/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.



REAR ELEVATION



LEFT SIDE ELEVATION

GENERAL NOTES:
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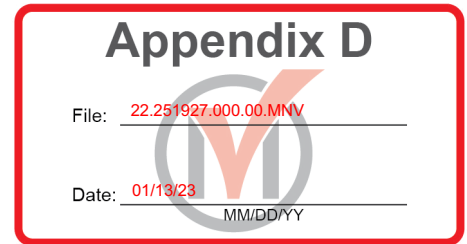
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 Russ Gregory
 NAME SIGNATURE

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 PROPOSED HOUSE DESIGN
 33 WINDRIDGE DRIVE
 CITY OF MARKHAM

THE GREGORY DESIGN GROUP
 16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 07/18/22
PROJECT NUMBER 2380-22	SHEET NUMBER A-5
DRAWN BY S.Gregory	CHECKED BY R.G.



CITY OF MARKHAM
Virtual Meeting on Zoom

December 07, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 22nd 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

Gregory Knight Chair	7:00 pm
Tom Gutfreund	7:00 PM
Arun Prasad	7:00 pm
Kelvin Kwok	7:00 pm
Jeamie Reingold	7:00 PM
Patrick Sampson	7:00 pm
Sally Yan	7:00 pm

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

DISCLOSURE OF INTEREST

None

Minutes: November 23, 2022

THAT the minutes of Meeting No. 21 of the City of Markham Committee of Adjustment, held November 23, 2022, respectively, be:

- a) Approved on December 07, 2022.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Carried

SECONDARY SUITES

Item 1 was subject to Bill 23, More Homes Built Faster. Therefore, the application was not heard as the need for planning approvals for an accessory dwelling unit that met development standards was withdrawn.

1. A/075/22 - Withdrawn

**Owner Name: John Andreacchi
Agent Name: John Andreacchi
20 Elizabeth Street, Markham
PLAN 1149 PT LOT 18 65R12379 PT 3**

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

- a) Section 6.1:**
an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot; and
- b) Parking By-law 28-97, Section 3.0:**
two parking spaces, whereas the By-law requires a minimum of three spaces;

as it related to a proposed secondary suite.

NEW BUSINESS

2. A/170/22

**Owner Name: Alai Developments Inc. (Alawn Lai)
Agent Name: STEP Design Studio Inc. (Stepan Sukiasyan)
17 Sunman Court, Markham
19TM14013 LOT 7**

The applicant was requesting relief from the requirements of By-law 193-81, as amended, to permit:

- a) By-law 193-81, Section 6.1 (c):**
a lot coverage of 27.70 percent, whereas the By-law allows a maximum lot coverage of 25.0 percent:

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

The Chair introduced the application.

The agent, Jim Kotsopoulos, JKO Planning Services Inc., appeared on behalf of the application. The proposal was part of a Draft Plan of Subdivision for an infill residential development. Similar variances for additional lots in the subdivision were approved in July. The application met the four tests of the *Planning Act*.

Member Gutfreund commented on the proposed development of the basement and asked if a second unit was proposed. Jim Kotsopoulos did not have information regarding the intent of the basement development. Member Gutfreund indicated that the application met the four tests of the *Planning Act*.

Member Reingold supported the application noting the request was minor and met the four tests of the *Planning Act*.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/170/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/179/22

Owner Name: Dawei Song
Agent Name: Dawei Song
126 Dundas Way, Markham
PLAN 65M4454 PT BLK 1 RP 65R35904 PT 72

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

a) Section 6.2.1 (b)(iii):

a deck to be located at the second storey, whereas the By-law requires the floor of the deck to not be higher than the floor level of the first storey of the main building;

as it related to a proposed deck.

The Chair introduced the application.

The owner, Dawei Song, appeared on behalf of the application.

Member Sampson and Member Gutfreund requested clarification from the owner regarding privacy concerns for the neighbours.

The owners indicated that they own an end unit and that the adjoining neighbours did not intend to extend the deck, which would reduce potential conflicts.

Member Reingold indicated that many areas of Markham had second-storey decks, and privacy concerns were worked out between neighbours.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/179/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications A/201/22 and A/207/2022 were heard concurrently.

4. A/201/22

Owner Name: Zhou Liu

Agent Name: Brutto Consulting (Francesco Fiorani)

28 Sciberras Road, Markham

CON 5 PT LOT 11 65R38799 PART 4

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

a) By-law 11-72, Section 4.11:

a flankage side yard setback of 6 feet 4 inches (1.94 metres), whereas the By-law requires a minimum flankage side yard setback of 12 feet (3.66 metres) or one-half the height of the building (whichever is greater);

as it related to the retention of an existing detached dwelling.

The requested variance was a direct result of the lot severances B/15/17 and B/16/17, approved by the Ontario Municipal Board on September 21, 2018.

The Chair introduced the application.

The agent, Francesco Fiorani, appeared on behalf of the application. The variances resulted from the previously approved consent applications. The applicant was requesting the variances only until they were ready to proceed with the redevelopment of the properties as approved by the Ontario Municipal Board.

Christiane Bergauer-Free, 145 Krieghoff Avenue, indicated that the original approvals had been in place for some time, and the applicant should be compelled to proceed with the development as approved.

Member Yan asked for clarification regarding the development time frame.

Claudio Brutto responded that the variances came at the request of planning staff and were of a housekeeping nature. The applicant had postponed redevelopment of the lots for economic reasons for an extended period but would proceed with construction with the variances approved with the consent applications in the future when the development was feasible.

Member Yan motioned for approval, given that the requests were minor and technical.

Moved By: Sally Yan
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/201/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/207/22

Owner Name: Zhou Mei Liu
Agent Name: Brutto Consulting (Francesco Fiorani)
30 Sciberras Road, Markham
CON 5 PT LOT 11 65R38799 PART 4

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

- a) By-law 11-72, Section 4.11:**
a minimum rear yard setback of 14 feet 5 inches (4.4 metres), whereas the By-law requires a minimum rear yard setback of 25 feet (7.62 metres).

as it related to the retention of an existing detached dwelling.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/207/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/166/22

Owner Name: Yan Fan
Agent Name: ARK Group (Daniel Wong)
9 Gainsville Avenue, Markham
PLAN 7566 LOT 27

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

a) By-law 11-72, Section 6.1:

a minimum front yard setback of 8.12 metres (26 feet 7 inches), whereas the By-law requires a minimum setback of 8.23 metres (27 feet);

as it related to a covered porch.

The Chair introduced the application.

The agent, Ken Tai, appeared on behalf of the application, indicating that an error had been made during construction and the request was minor.

Christiane Bergauer-Free, 145 Krieghoff Avenue, indicated concern that the dwelling had been under construction for over two years and was returning the Committee to request clemency for a construction error.

Greg Whitfield indicated that inspections were conducted at the request of the applicant or complaint basis.

The Chair indicated that inspection requirements have increased in recent years and applicants were required to have professional confirmation that construction proceeded according to approved plans.

Member Gutfreund supported the application indicating the request was minor and met the four tests of the *Planning Act*.

Member Prasad indicated the request was minor.

Member Gutfrend motioned for approval.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/166/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. A/190/22

Owner Name: Jiankun Li
Agent Name: Paar Design Inc. (Nikol Paar)
11 Gainsville Avenue, Markham
PLAN 7566 LOT 26

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

- a) **Section 6.1:**
a maximum lot coverage of 36.3 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent; and
- b) **Section 6.1:**
a maximum building height of 27 feet (8.23 metres), whereas the By-law permits a maximum building height of 25 feet;

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

The Chair introduced the application.

The agent, Nicole Paar, appeared on behalf of the application. Nicole indicated that they had worked with Forestry before coming to Committee and had made modifications to the plans to preserve trees and that the requests were minor.

Christiane Bergauer-Free, 145 Krieghoff Avenue, felt the proposed height had been incorrectly calculated. In addition, the proposed dwelling did not meet the intent of the Official Plan for infill dwellings and was neither in keeping with the character of the neighbourhood nor a green build.

The Chair noted that the Committee had received one piece of written correspondence in opposition to the development was received.

Member Sampson noted that the lot was one of the largest in the neighbourhood, and the proposed was also very large; if subject to floor area, it would be significantly over what was typically approved by the Committee. The member indicated that the massing of the dwelling was considerable.

Nicole Parr indicated that the proposal had maintained all required setbacks. The requests were minor, represented only a small percentage change to the By-law, and were in keeping with other variances granted in the area. Drainage would be addressed at the RIGS and Tree Permit stage.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Official Plan policies related to infill homes and indicated that this would be larger with the larger lot size than most other houses in the area. It did not reflect the existing character of the area.

Nicole Parr responded that if the balcony and porch were excluded from the lot coverage the principle building would comply.

Member Reingold indicated that the build was large for infill development and could be the largest in the area. However, it was a large lot, and the two requested variances were only slight changes to the standards. Compared to other dwellings in the area, the review was complex as the dwelling seemed out of character, but variances were minor.

Member Gutfreund agreed with their colleague that numerically the request was minor, and planning and planning staff did not raise issues regarding the Official Plan policies. In context, the house was large and did not necessarily reflect the neighbourhood's character. However, the request was to be evaluated using the four *Planning Act* tests; the criteria were met, and the requests were minor.

Member Yan indicated that they agreed with their colleagues regarding the house size and that the requests were minor. The area was regulated by different standards than some other areas of the City, and Floor Area Ratio was not under consideration. The neighbourhood had a mix of lot sizes and the property should not be penalized because the property was larger than other and the requests were minor.

The Chair indicated that lot coverage, height and setbacks governed massing in this area, and considering those standards, the requests were minor.

Member Gutfreund motioned for approval indicating that based on the requests as applied for and staff support in the report, the variances met the four tests of the *Planning Act* and were minor.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold
Opposed Patrick Sampson

The majority of the Committee approved the application.

THAT Application No. **A/190/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. A/189/22

Owner Name: Neamsby Investments Inc. (Joseph Pavia)
Agent Name: The Remington Group (Joseph Pavia)
1271 Denison Street, Markham
PLAN M1915 BLKS 1 2 & 4 AND PART OF BLKS 3 & 5

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

- a) **Section 8.19:**
a Commercial School as a permitted use, whereas the By-law, does not permit this use on the property; and
- b) **Section 8.19:**
a Recreational Establishment as a permitted use, whereas the By-law does not permit this use on the property;

as it related to a proposed golf simulation and instruction facility and a recording studio.

The Chair introduced the application.

The agent, Joseph Pavia, appeared on behalf of the application.

Member Reingold noted that the request was limited to units 62 and 63. While they noted it was a different combination of business uses, they could be compatible with employment uses. In addition, the applicant would determine the market and not see adverse impacts on the adjacent businesses.

Member Prasad noted that the area was surrounded by residential uses and could benefit seniors living there and meet community needs.

Member Kwok asked for clarification regarding the current By-law and the Official Plan designations.

Joseph Pavia indicated that the By-law was enacted in 1983 did not comply with the updated Official Plan. The Official Plan governs how healthy communities were planned, and the request facilitates the implementation of the plan and met the intent of the Official Plan.

The Chair asked how the proposal met employment uses.

Greg Whitfield indicated that the educational uses could be classified as Commercial Schools, which were permitted as a discretionary use. Staff have relayed that the onus was on the applicant to justify the requested variance.

Member Yan asked if there were any other models of this use in the City and who were the target clients.

Joseph Pavia indicated that the clients would be drawn from the surrounding employment and residential areas as it had been demonstrated that there was a market for private tutoring for both uses.

Member Yan agreed that this was a good use in the employment area and supported the application.

Member Prasad motioned for approval.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/189/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. A/119/22

Owner Name: Kamran Naghavi
Agent Name: Brickhaus (Michael Shirzadfar)
5 Wildrose Crescent, Thornhill
PLAN M899 PT LOT 63

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 (vi):**

a maximum floor area ratio of 52.7 percent (414.9 m²), whereas the By-law permits a maximum floor area ratio of 50 percent (393.35 m²);

b) By-law 1767, Section 18(i)(d):

a minimum side yard setback of 4.82 feet (1.47 metres), whereas the By-law permits a minimum side yard setback of 6 feet (1.83 metres); and

c) By-law 1767, Section 12(vi)(a):

a minimum setback for an existing accessory building (Cabana) of 0 feet (0 metres) from the west side lot line, whereas the By-law requires a minimum setback for an accessory building to be 2 feet (0.6096 metres) from the nearest lot line.

as it related to a proposed second-storey and rear addition to the existing one-storey portion of the dwelling.

The Chair introduced the application.

The agent, Michael Shirzadfar, appeared on behalf of the application. The agent indicated that the plans had been reduced to protect the trees at 3 Wildrose Crescent, and the neighbours did not object to the proposal.

Minzhi Lui, 11 Wildrose Crescent, expressed that the area had spacious lots, and the increased floor area ratio contributed to a denser, crowded environment. Additionally, the setback of 0 metres to the lot line for an accessory structure created issues of maintenance and separation between accessory buildings on adjacent lots and created the potential for friction between neighbours.

The Chair asked the agent to clarify the requested floor area ratio.

The agent indicated that after making adjustments in the plans to satisfy planning staff comments regarding the trees at 3 Wildrose Crescent, the total floor area ratio request was reduced to 52.7 percent. The variance for the existing cabana was at the request of the zoning department to recognize the existing condition.

Member Gutfreund indicated the requested floor area ratio was minor and the request to recognize the pre-existing condition of the cabana was reasonable.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/119/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

PREVIOUS BUSINESS

10. 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 51.53 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 7.51 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 requires 18 inches; and
- e) **Section 11.2 (c)(i):** a porch with stairs to encroach 36 inches, whereas the By-law requires 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. Shane indicated that the application was returning to the Committee for consideration after a redesign that reduced the floor area ratio variance.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, noted that the

applicant had returned with four unchanged variances, and there were continuing concerns regarding size, massing, scale and vegetation. Elizabeth reviewed the minutes of the previous meeting and noted that the Committee had requested a reduction of the Floor Area Ratio to 50 percent.

Shane Gregory noted that focusing on the Floor Area Ratio as a number did not speak to the design of the house. There were several mature trees on the property which would be preserved.

Member Reingold expressed that they continued to view the proposal as an excellent transitional design. However, they did not believe there had been any substantial justification for the requested additional floor area ratio above 50 percent.

Member Gutfreund noted that at the time of deferral, the Committee requested a reduction to 50 percent and indicated that the reduction proposed was insufficient.

Member Sampson indicated that they maintained their original position of a request to reduce the floor area ratio to 50 percent or less.

The Chair noted that there had been only minimal changes from the original proposal and the house was still highly visible and prominent for the streetscape.

Member Gutfreund motioned for deferral. They were requesting the agent to return with a proposal of a 50 percent floor area ratio.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

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

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Arun Prasad

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:15 pm, and the next regular meeting would be held on December 14, 2022.

CARRIED

Committee of Adjustment Minutes
Wednesday, December 07, 2022

Secretary-Treasurer
Committee of Adjustment

Chair
Committee of Adjustment