

Memorandum to the City of Markham Committee of Adjustment

May 16, 2022

File: A/086/21
Address: 45 Pringle Ave, Markham
Applicant: Tina Baghdssarians
Agent: Trenton Drafting and Design (Dale Theriault)
Hearing Date: Wednesday May 25, 2022

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of the “R1 – Residential” zone under By-law 1229, as amended, to permit:

- a) **Infill By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.84 m, whereas the By-law permits a maximum height of 9.8 m;
- b) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51.9 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **Infill By-law 99-90, Section 1.2 (ii):**
a maximum depth of 17.99 m, whereas the By-law permits a maximum depth of 16.8 m; and,
- d) **By-law 1229, Section 11.2 (c)(i):**
a maximum porch and stairs encroachment of 51.0 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 inches into any required yards.

The variances relate to a proposed detached dwelling.

BACKGROUND

The application was deferred sine die by the Committee of Adjustment on December 8, 2021 to allow the applicant an opportunity to address the concerns raised at the meeting (see Appendix 'C'). The initial variances and staff's comments are identified in the previous staff report dated November 29, 2021 (see Appendix 'D').

On April 14, 2022, the applicant submitted revised drawings, which show the following main changes:

- Reduction in gross floor area from 405.06 m² (4,360 ft²) to 387.69 m² (4,173 ft²). Consequently, the proposed floor area ratio has been reduced from 54.34 percent to 51.9 percent;
- Elimination of the third car garage;
- Elimination of one washroom on the second floor;
- Reduction in the overall building width from 15.85 m (52 ft) to 14.32 m (47 ft); and,
- Reduction in the overall building depth from 18.29 m (60 ft) to 17.99 m (59.02 ft).

Staff have noticed an error in the previous yard encroachment variance. After confirming with the Building Department, the proposed porch and stairs encroachment into the

required front yard should be 51 in (1.29 m) instead of 31 in (0.78 m). The number has been corrected in the latest submission.

The proposed building height remains the same at 10.84 m (35.56 ft).

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.

Building Height

Staff's previous comments on the requested height variance remain applicable (see Appendix 'D').

Building Depth

The requested building depth variance only applies to the small projection of the front covered porch and a minor projection of the garage on the main floor. The main component of the building, including the entire second floor, complies with the maximum depth requirement. Staff consider the variance minor in nature and have no concerns.

Yard Encroachment

The proposed front covered porch and stairs will be appropriately setback from the street line and are generally consistent with dwellings in the area. It is the opinion of staff that the front covered porch adds an interesting architectural element that enhances the visual appearance of the front façade. While the variance number represents a deviation from the by-law requirement, staff do not anticipate it will result in any demonstrable adverse impact on the character of the neighbourhood.

Floor Area Ratio

Although the proposed floor area ratio is higher than the majority of the existing dwellings in the vicinity of the subject lands, the building layout complies with the zoning provisions that establish the prescribed building footprint. In fact, the proposed lot coverage is approximately 5% or 38.27 m² (412 ft²) less than the maximum allowance permitted under the by-law. The proposed south side yard setback has been increased to 11.81 ft (3.6 m) which is significantly greater than the minimum 4 ft (1.21 m) requirement for the one-storey portion of the building. The proposed 64.16 ft (19.55 m) rear yard setback is significantly greater than the minimum 25 ft (7.62 m) requirement, providing approximately 386 m² (4,154.87 ft²) of outdoor rear yard amenity space on the property. The main component of the proposed dwelling complies with the front yard setback and is generally consistent with the other existing dwellings on the street. The proposed building width is less than the existing dwelling on the subject property and is generally consistent with the other existing dwellings in the vicinity. Staff are of the opinion that the requested variance will result in a dwelling that is in keeping with the intended scale of infill residential developments in the neighbourhood and have no concern.

PUBLIC INPUT SUMMARY

As of May 17, 2022, no new written submissions were received since the public was given notice of the new variances. 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 requested variances 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 21 126183 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/086/21

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations.

PREPARED BY:



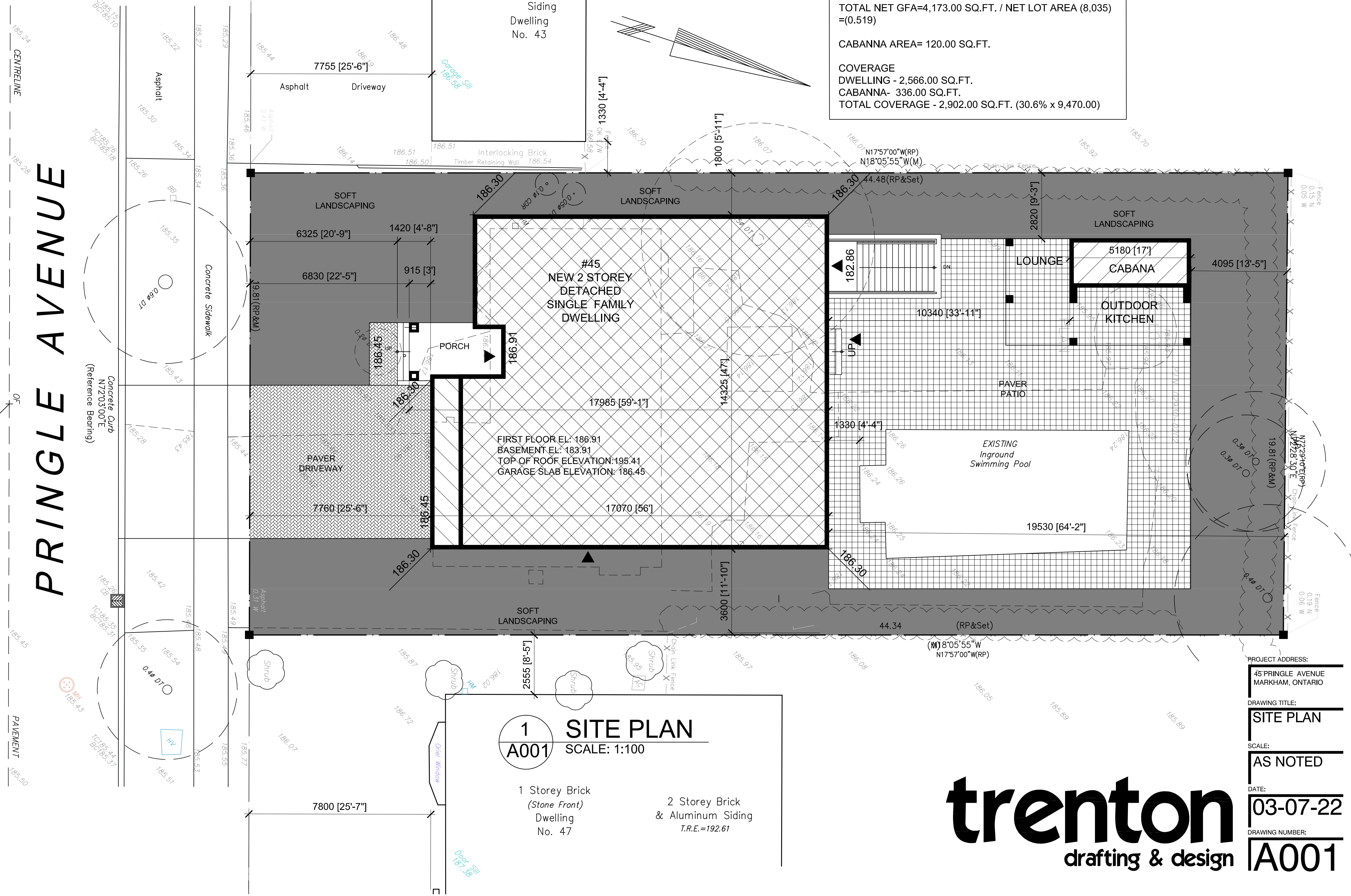
Carlson Tsang, Senior Planner, East District



GROSS LOT AREA= 9,470.00 SQ.FT.
 NET LOT AREA=1/2 (9470-6600) + 6,600.00 = 8,035.00 SQ.FT.
 FIRST FLOOR AREA= 2,471.00 SQ.FT. SQ.FT.
 SECOND FLOOR AREA = 2,373.00 SQ.FT.
 TOTAL DWELLING GFA = 4,844.00 SQ.FT.
 DEDUCTABLE AREA= 671.00 SQ.FT.
 TOTAL NET GFA=4,173.00 SQ.FT. / NET LOT AREA (8,035) = (0.519)
 CABANNA AREA= 120.00 SQ.FT.
 COVERAGE
 DWELLING - 2,566.00 SQ.FT.
 CABANNA- 336.00 SQ.FT.
 TOTAL COVERAGE - 2,902.00 SQ.FT. (30.6% x 9,470.00)

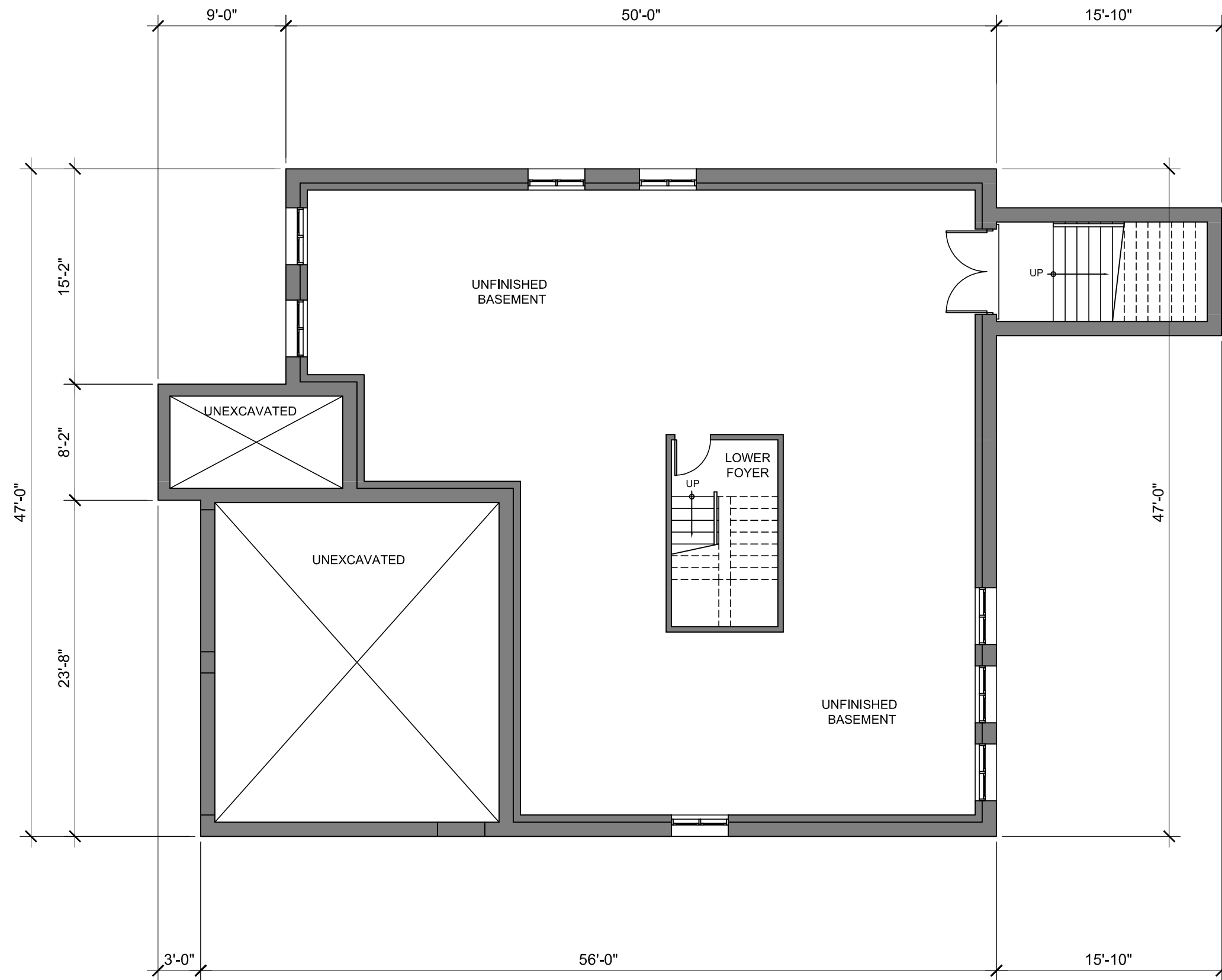
PRINGLE AVENUE

(By Referred Plan M-1385)
02930-0386



trenton
drafting & design

A001



Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY

1 BASEMENT FLOOR PLAN
A100 SCALE: 1/8"=1'-0"

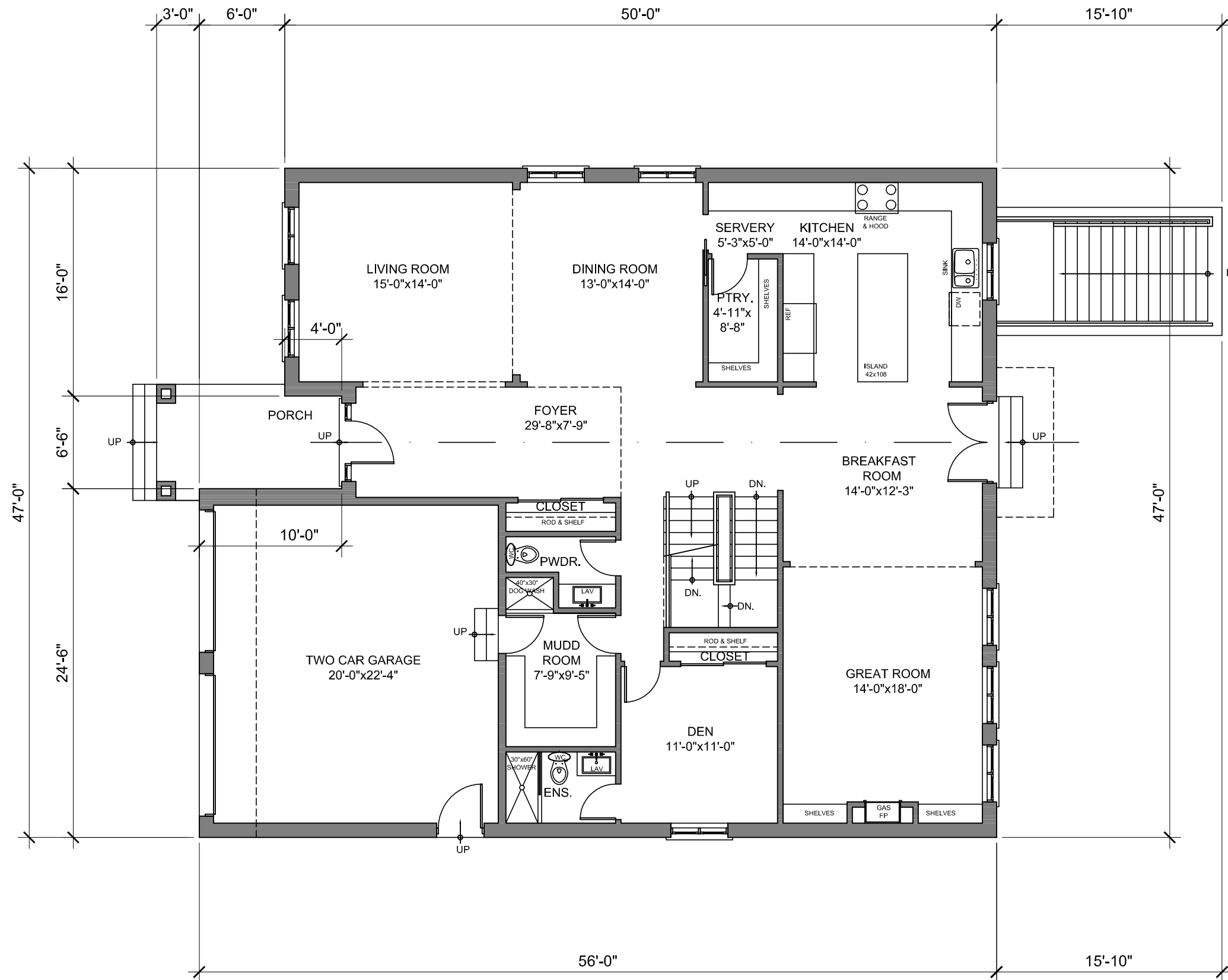
trenton
drafting & design

PROJECT ADDRESS:	45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE:	BASEMENT FLOOR PLAN
SCALE:	AS NOTED
DATE:	01-25-21
DRAWING NUMBER:	A100

Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 FIRST FLOOR PLAN
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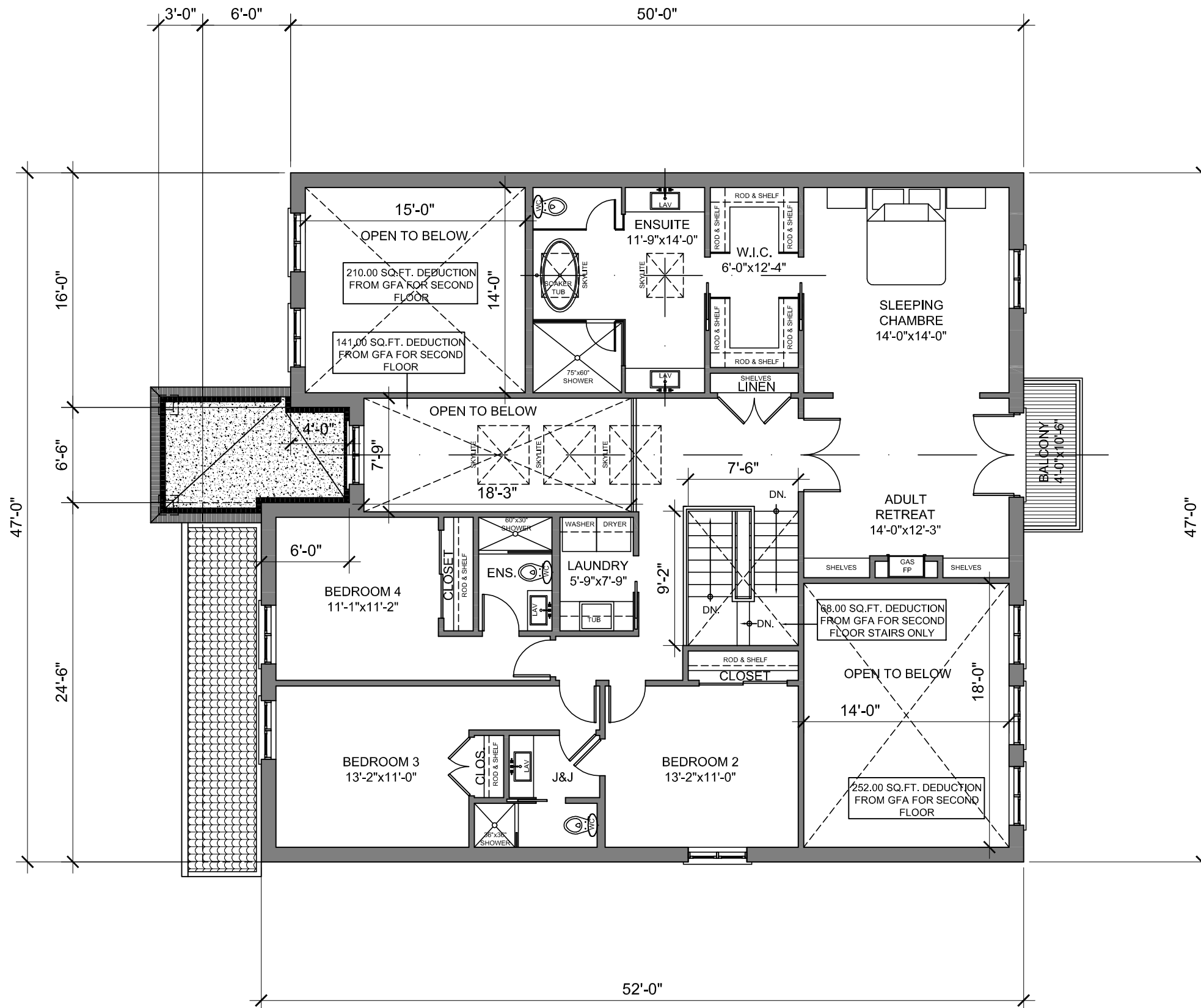
trenton
drafting & design

PROJECT ADDRESS:	45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE:	FIRST FLOOR PLAN
SCALE:	AS NOTED
DATE:	01-25-21
DRAWING NUMBER:	A101

Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 SECOND FLOOR PLAN
A102 SCALE: 1/8"=1'-0"

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PROJECT ADDRESS:	45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE:	SECOND FLOOR PLAN
SCALE:	AS NOTED
DATE:	01-25-21
DRAWING NUMBER:	A102

Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



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PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
**FRONT
ELEVATION**
SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A200

Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



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PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
**SIDE
ELEVATION**
SCALE:
AS NOTED

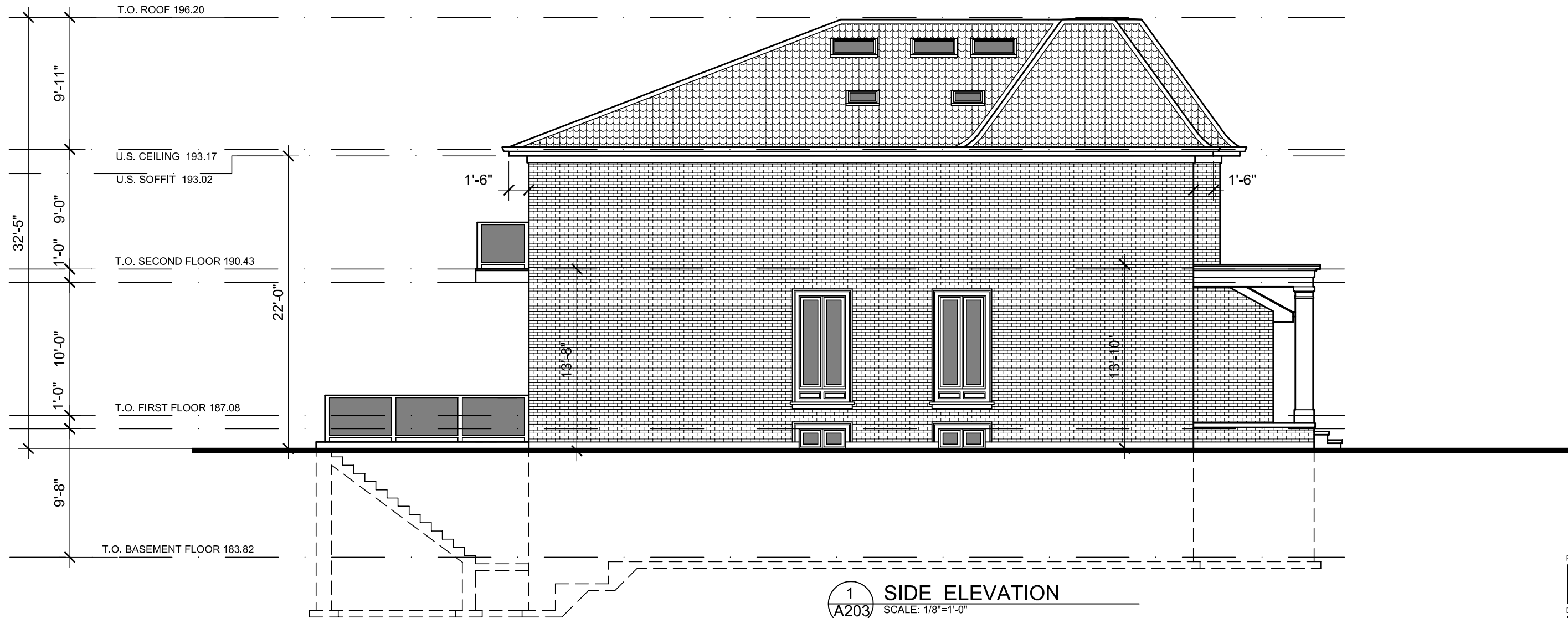
DATE:
01-25-21

DRAWING NUMBER:
A201

Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
SIDE
ELEVATION

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A203

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Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 REAR ELEVATION
A202 SCALE: 1/8"=1'-0"

PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

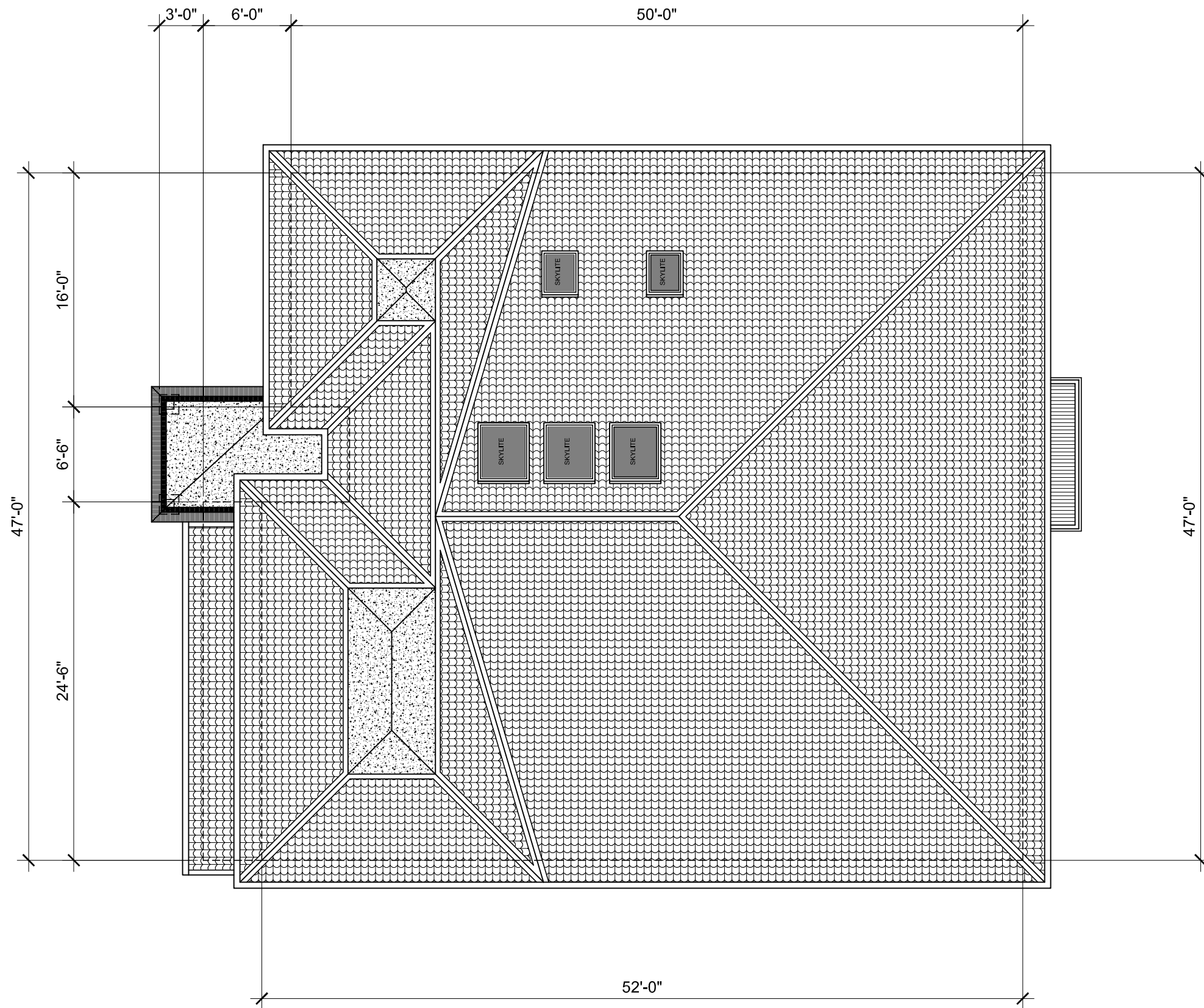
DRAWING TITLE:
REAR
ELEVATION

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A202

trenton
drafting & design



Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY

1 ROOF PLAN
A103 SCALE: 1/8"=1'-0"

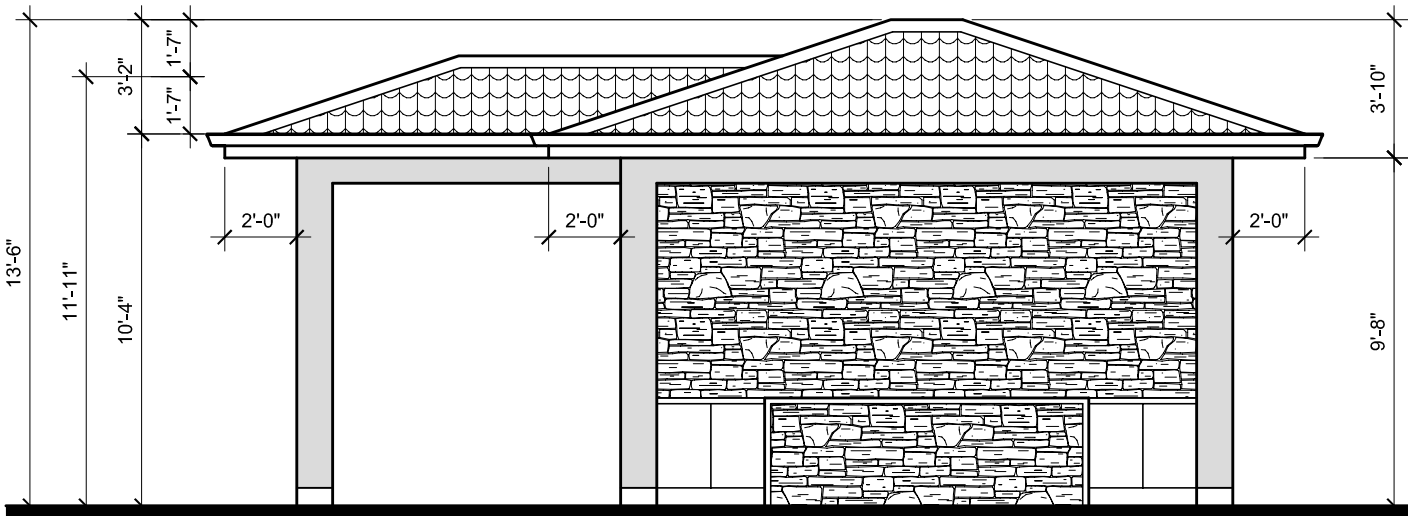
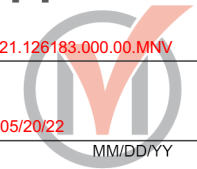
trenton
drafting & design

PROJECT ADDRESS:	45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE:	ROOF PLAN
SCALE:	AS NOTED
DATE:	01-25-21
DRAWING NUMBER:	A103

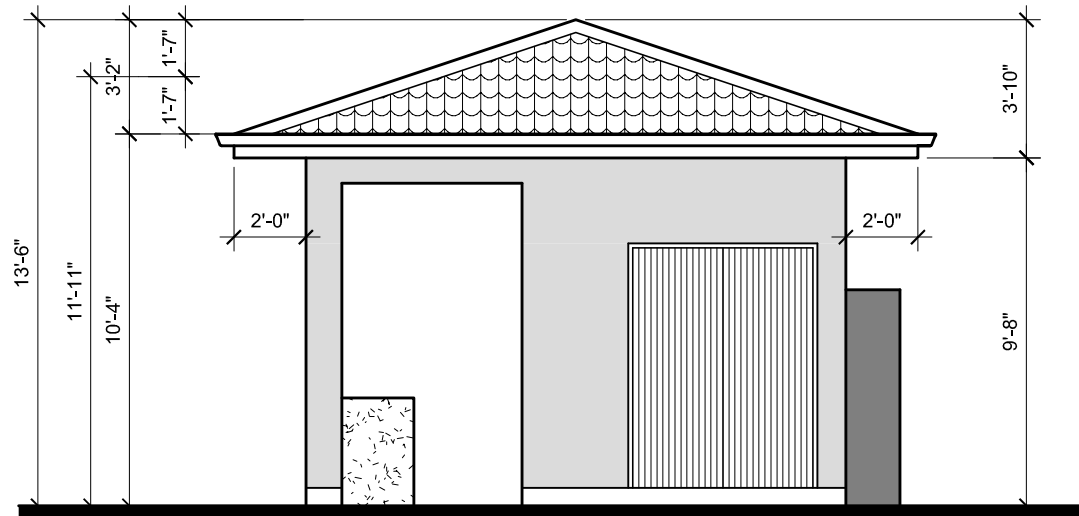
Appendix B

File: 21.126183.000.00.MNV

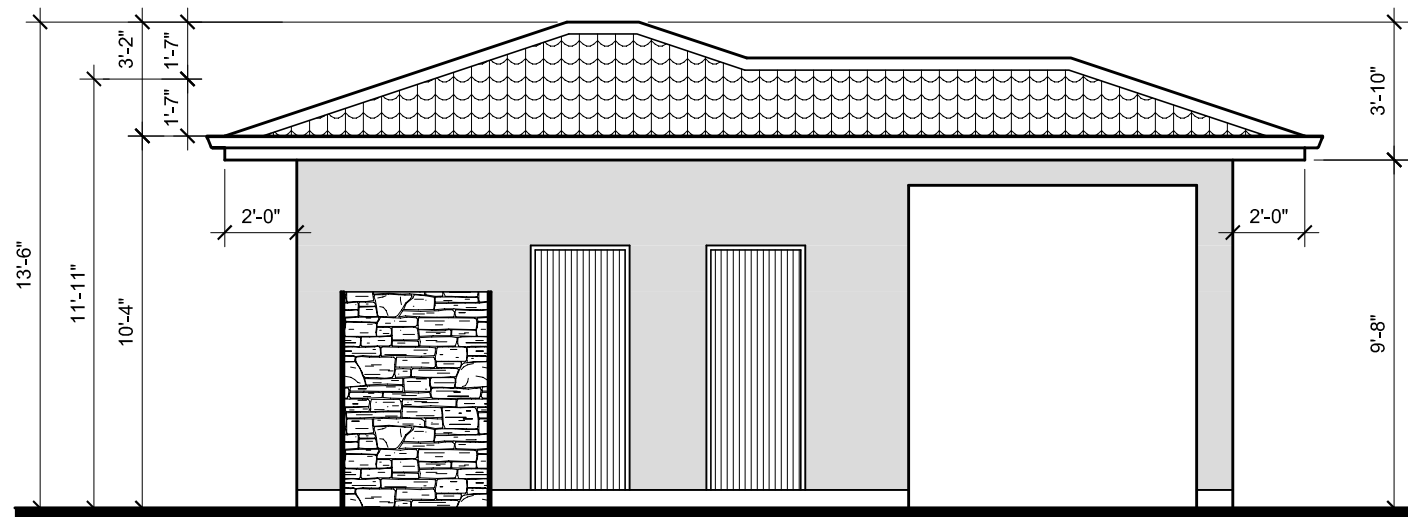
Date: 05/20/22
MM/DD/YY



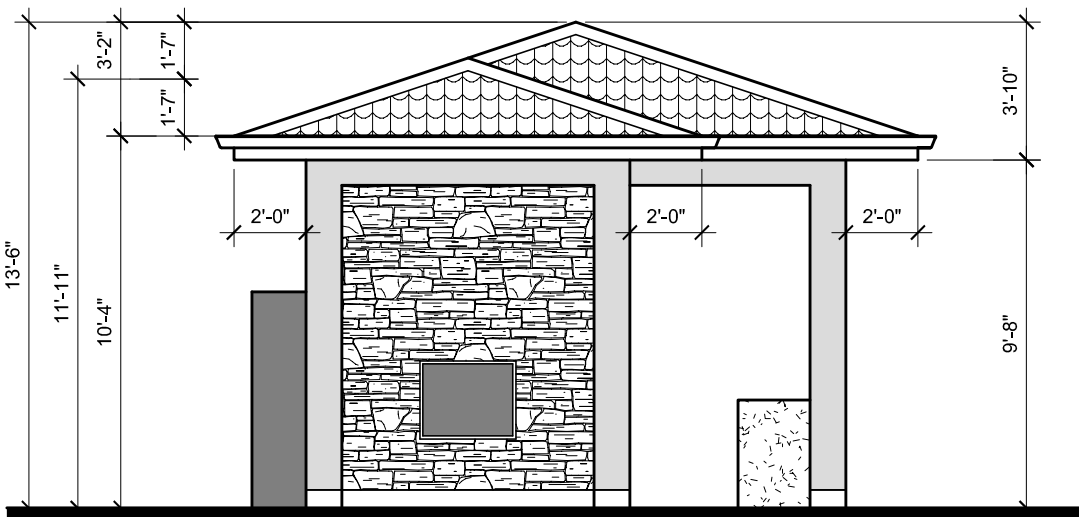
1 FRONT ELEVATION
A301 SCALE: 3/16"=1'-0"



2 SIDE ELEVATION
A301 SCALE: 3/16"=1'-0"



3 REAR ELEVATION
A301 SCALE: 3/16"=1'-0"



4 SIDE ELEVATION
A301 SCALE: 3/16"=1'-0"

PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
CABANA
ELEVATIONS
SCALE:

AS NOTED

DATE:
01-25-21

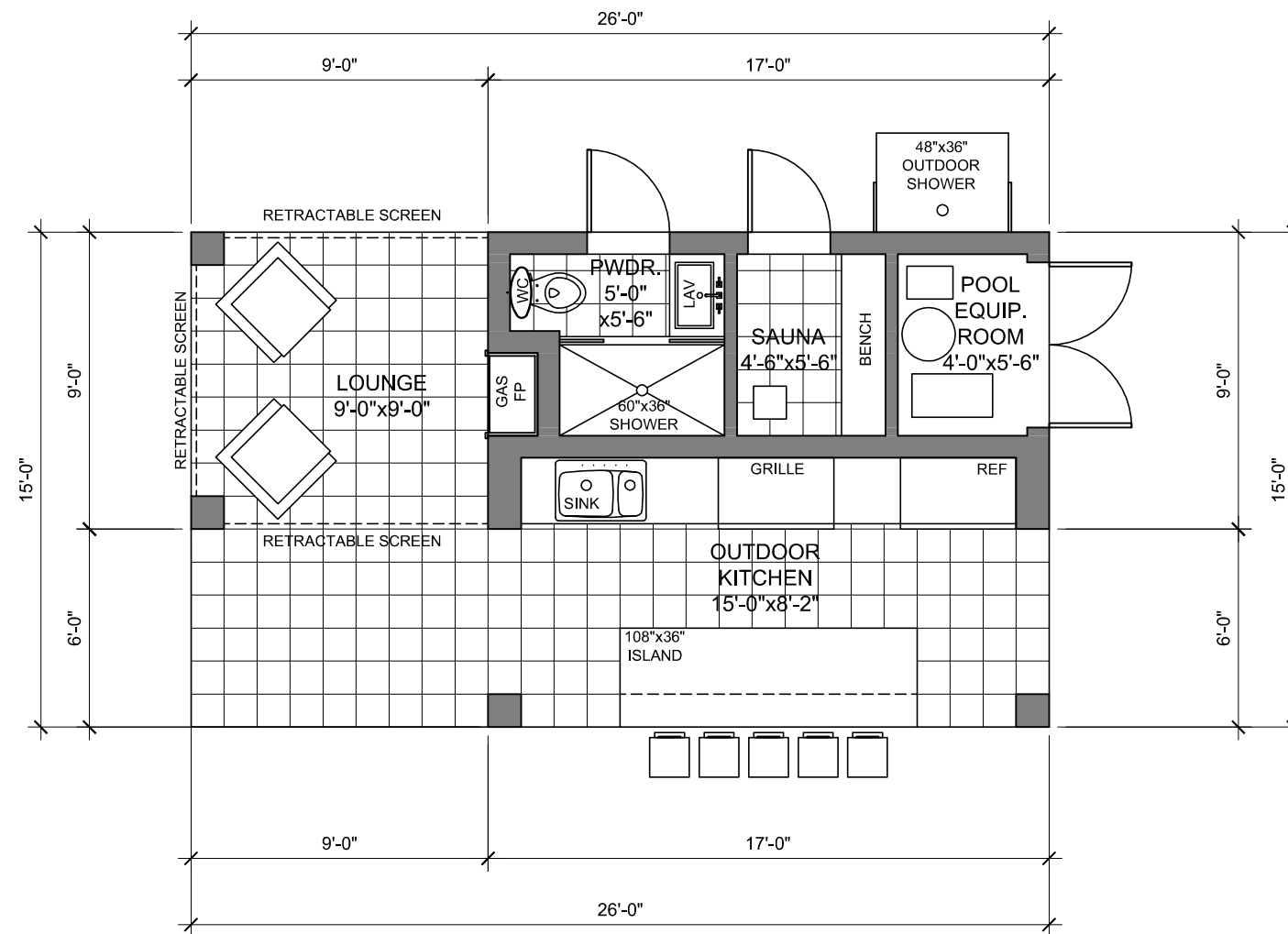
DRAWING NUMBER:
A301

trenton
drafting & design

Appendix B

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 CABANA FLOOR PLAN
A300 SCALE: 3/16"=1'-0"

PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

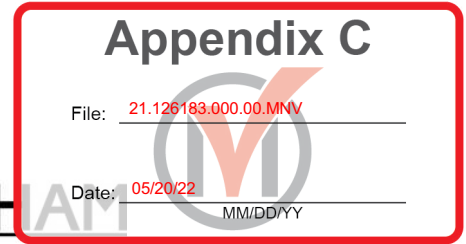
DRAWING TITLE:
CABANA
FLOOR PLAN
SCALE:

AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A300

trenton
drafting & design



CITY OF MARKHAM
Virtual meeting on zoom

December 8 2021
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 22nd regular meeting of the Committee of Adjustment for the year 2021 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Jeamie Reingold	7:00PM
Tom Gutfreund	7:00PM
Patrick Sampson	7:00PM
Kelvin Kwok	7:00PM
Gregory Knight, Chair	7:00PM
Sally Yan	7:00PM

Justin Mott, Acting Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Aleks Todorovski, Planner I

Regrets
Arun Prasad

DISCLOSURE OF INTEREST

Minutes: November 24, 2021

THAT the minutes of Meeting No. 21 of the City of Markham Committee of Adjustment, held November 24, 2021 respectively, be

- a) Approved as submitted, on December 8, 2021

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

PREVIOUS BUSINESS:

1. B/07/18

**Owner Name: Lui Hui
Agent Name: In Roads Consultants (Ida Evangelista)
14 Ramona Boulevard, Markham
CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2**

For provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 7.9 m² and area of 569.11 m² (Part 1);
- b) retain a parcel of land with approximate lot frontage of 27.67 m and area of 1057 sqm (Part 2).

The purpose of this application is to create a new residential lot. This application is related to minor variance applications A/95/18 and A/96/18.
(Heritage District, Ward 4)

The Secretary-Treasurer introduced the application.

The agent Ida Evangelista appeared on behalf of the application. They have needed to reappear at Committee because the file was deferred in March of 2021. The agent presented updated plans and changes based on Committee and community feedback.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She is concerned about the trees, the narrow driveway, and the severance overall. The heritage property should be preserved.

Ward 4 Councillor Karen Rea reminded the Committee about the heritage committee's inability to decide on this property at the Heritage Markham Committee meeting. She also does not want to see two dwellings built on this property because it is not permitted in the City of Markham. She wants the current dwelling preserved, and she does not support this application.

The agent Ida Evangelista responded that severance is needed to have the second dwelling, and the application cannot move forward without it.

Laura Galati from 15 Sir Constantine Drive stated that the frontage does not meet the By-law. In addition, the driveway location could create many problems on Ramona Boulevard, and it may appear that it looks like a private road. Laura also believes there is a potential for the garage to be turned into another dwelling, creating potentially three separate dwellings on the property.

Committee of Adjustment Minutes
Wednesday, December 8, 2021

Committee member Tom Gutfreund agrees with most of the speaker's list comments. Highlighted that the home could be sold soon. Preserving the home is better than allowing the property to be carved apart, ultimately allowing a valuable heritage home to be enjoyed by the local community.

Committee member Jeamie Reingold agrees with Tom. She explains that the City of Toronto had got to a point where they needed to preserve Heritage properties, and so has the City of Markham. Therefore, she does not support this application.

Committee member Sally Yan highlighted that Heritage properties need to be preserved in the City of Markham. However, she does not support this application.

Committee chair Greg Knight asked the applicant if the application had changed since the last committee meeting.

The agent Ida Evangelista stated no, and that Heritage Markham recommended this layout of the plans, so no additional changes were made.

Committee member Tom moved for refusal of all three applications.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No B/07/18 be refused

Resolution Carried

2. A/95/18

Owner Name: Lui Hui
Agent Name: In Roads Consultants (Ida Evangelista)
14 Ramona Boulevard, Markham
CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2

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

- a) By-law 1229, Section 11.1:**
a lot frontage of 26 feet, whereas the By-law requires a minimum lot frontage of 60 feet;
- b) By-law 1229, Section 11.1:**
a minimum lot area of 6,125 sqft, whereas the By-law requires a minimum lot area of 6,600 sqft;

c) By-law 1229, Section 11.1:

a minimum rear yard of 23 feet and 3 inches, whereas the By-law requires 25 feet;

d) Parking By-law 28-97, Section 6.2.4.4 a) i):

a driveway to be located 1 foot 6 inches from an interior side lot line, whereas the By-law requires a minimum setback of 4 feet;

as it relates to a proposed single family dwelling (Part 1). This application is related to consent application B/07/18 and minor variance application A/96/18. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson

Seconded By: Sally Yan

THAT Application No A/095/18 be refused

Resolution Carried

3. A/96/18

Owner Name: Lui Hui

Agent Name: In Roads Consultants (Ida Evangelista)

14 Ramona Boulevard, Markham

CON 8 PT LOT 13 RP 65R32995 PTS 1 AND 2

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

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

a maximum floor area ratio of 45.52 percent, whereas the By-law permits a maximum of 45 percent;

b) Table 11.1:

a minimum front yard of 12.27 feet, whereas the By-law requires 25 feet; as it relates to a proposed detached garage addition to the existing residential dwelling (Part 2).

This application is related to consent application B/07/18 and minor variance application A/95/18. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson

Seconded By: Jeamie Reingold

THAT Application No A/096/18 be refused

Resolution Carried

NEW BUSINESS:

1. A/086/21

**Owner Name: Tina Baghdssarians
Agent Name: Trenton Drafting and Design (Dale Theriault)
45 Pringle Avenue, Markham
PLAN M1385 LOT 37**

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

- a) Amending By-law 99-90, Section 1.2 (i):**
a maximum height of 10.84 m, whereas the By-law permits a maximum height of 9.8 m;
- b) Amending By-law 99-90, Section 1.2 (iii):**
a maximum depth of 18.29 m, whereas the By-law permits a maximum depth of 16.8 m;
- c) Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 54.34 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- d) Section 11.2 (c) (i):**
a covered porch and stairs to encroach 31" into the required front yard, whereas the By-law permits a maximum encroachment of 18";

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

The Secretary-Treasurer introduced the application.

The agent Dale Theriault appeared on behalf of the application.

Ward 4 Councillor Karen Rea stated that the proposal should align more with the City of Markham's infill By-law. In addition, she stated that the open to below for this proposed house should be reduced because the statistics seem to be wrong.

Elizabeth Brown of 65 Lincoln Green Drive spoke in opposition to the application. She is concerned about the net floor area ratio. She states the open to below for this proposed house should be reduced. She highlighted that the cabana might have uncounted portions. She also stated that she would like a reduction of all variances listed.

Mr. Theriault responded that he was unaware of the local ratepayer's associations.

Elizabeth Brown stated that she reviewed the agenda, reports, and emails from all of the members of the ratepayers. She requests ratepayer members to forward any concerns they may have, and she will present them at the committee meeting.

Committee member Patrick Sampson states that this house does not fit into the current neighbourhood and should be revised.

Committee member Tom Gutfreund agrees with the comments to date. However, he does not feel that this application passes the four tests. The massing of the building is overly large, and the over to below creates a massive structure and does not support the application as it stands.

Committee chair Greg Knight questions the gross floor area and believes the proposal is totally out of character for this street.

Mr. Theriault responded that he had researched previous committee applications in the City of Markham.

Committee Chair Greg Knight clarified that Committee does not work on precedence.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/086/21 be deferred sine die

Resolution Carried

2. A/154/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
10 Waterleaf Road, Markham
65M4544 LOT 101

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

- a) By-law 177-96, Section 7.190.1 (a) (iii):**
two parking spaces, whereas the By-law requires three parking spaces;

as it relates to a proposed dwelling part of a new subdivision. **(East District, Ward 5)**

Committee of Adjustment Minutes
Wednesday, December 8, 2021

The Secretary-Treasurer introduced the application.
The agent Joel Seider appeared on behalf of the application.

Committee member Tom Gutfreund asked for clarification on parking and the variance requested for the coach house.

Mr. Seider responded yes.

Committee member Patrick Sampson supports the application.

Kevin Kwok inquired about the utility cut-out for a potential EV charging station.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No A/154/21 be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/155/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
8 Waterleaf Road, Markham
65M4544 LOT 100

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

- a) By-law 177-96, Section 7.190.1 (a) (iii):**
two parking spaces, whereas the By-law requires three parking spaces;
- as it relates to a proposed dwelling part of a new subdivision. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Moved By: Kelvin Kwok
Seconded By: Patrick Sampson

THAT Application No A/155/21 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/161/21**

Owner Name: Hong Zhuang
Agent Name: FDL Design and Construction Inc. (Lin Lan)
136 Grandview Avenue, Thornhill
PLAN M835 PT BLK A PLAN R617 PART 7

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

- a) **By-law 101-90, Section 1.2 (I):**
a maximum building height of 9.45 m, whereas the By-law permits a maximum building height of 8.6 m;
- b) **By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55.2 percent (3680 sqft), whereas the By-law permits a maximum floor area ratio of 50.0 percent (3229 sqft);

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

The Secretary-Treasurer introduced the application.

The agent, Victor Lan, appeared on behalf of the application.

Sharon Zong of 134 Grandview is the neighbour, and she is concerned about the location of the proposed dwelling; specifically, it will be parallel to their backyard. It will create a shadow, tree, and privacy problem.

Mr. Lan responded to the question about the house being pushed back and why the first floor is so high. He stated that the family needs more space and height to enjoy the space.

Committee member Tom Gutfreund highlighted that the variances brought forward did not relate to the building depth, which conforms to the By-law. He also inquired about potential privacy options.

Elizabeth Brown of 65 Lincoln Green Drive highlighted the Official Plan.

Manager of Zoning & Special Projects Brad Roberts clarified that the front setback is currently minimum for the By-law permits; if the applicant wanted to move the dwelling forward, they would need a variance.

Committee of Adjustment Minutes
Wednesday, December 8, 2021

Committee member Sally Yan inquired why the planner did not bring forward the additional variance to reduce the front yard setback, which may be appropriate to better align with existing houses.

Committee member Jeamie Reingold asked the applicant to think about the setback vs. the massing of the dwelling.

Mr. Lan responded that the property lines become narrower if they move house. Therefore, the side yard setback might not comply with the zoning By-law.

Committee member Tom Gutfreund inquired if there is a willingness to move the house forward and adjust the side yard. If they were to make the adjustments, Committee could agree to approve the applications only if the clients agree.

Committee chair Greg Knight suggested that a deferral may be needed to adjust the variances.

Committee member Tom Gutfreund agrees that revised plans are needed.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No A/161/21 be deferred sine die

Resolution Carried

5. A/166/21

Owner Name: Sara Rahimi
Agent Name: Ali Shams
51 Sprucewood Drive, Thornhill
PLAN 3667 LOT 12

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

- a) By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55.0 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent;
- b) By-law 101-90, Section 1.2 (I):**
a maximum flat roof building height of 8.20 m, whereas the By-law permits a maximum building height of 8.0 m;

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

The Secretary-Treasurer introduced the application.

The agent Ali Shams appeared on behalf of the application.

Joan Honsberger of 60 Elgin Street inquired about the City of Markham's Bird-Friendly Guidelines and if they would be applied to this property.

Committee member Patrick Sampson was concerned about the open to below.

Committee member Tom Gutfreund spoke and inquired about the neighbouring structure that is very large in scale.

The agent Ali Shams responded that the CN Rail had provided comments and would be implemented into the designs.

Committee member Sally Yan does not have a problem with the proposal and supports it.

Manager of Zoning & Special Projects Brad Roberts clarified that the Bird Friendly Guidelines apply within Site Plan approval. However, this property does not fall under a Site Plan Control area. Therefore, the guidelines would be forwarded to the applicant.

Joan Honsberger of 60 Elgin Street would like something done to enforce the bird guidelines on the windows of this proposal.

Tom Gutfreund moves the application for approval subject to conditions.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No A/166/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/167/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
557 White's Hill Avenue, Markham
65M4544 PT BLK 124

Committee of Adjustment Minutes
Wednesday, December 8, 2021

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

- a) **By-law 177-96, Section 6.3.1.7 (b):**
a maximum lot coverage of 18.70 percent, whereas the By-law requires a maximum lot coverage of 18.0 percent;

as it relates to a proposed semi-detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Joel Seider appeared on behalf of the application.

Committee member Jeamie Reingold considers this application to be minor and supports this application.

Committee member Kelvin Kwok supports the application.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/167/21 be approved subject to conditions contained in the staff report.

Resolution Carried

7. A/171/21

Owner Name: Forest Hill Homes (Eddie Lee)
Agent Name: Forest Hill Homes (Eddie Lee)
559 White's Hill Avenue, Markham
65M4544 PT BLK 125

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

- a) **By-law 177-96, Section 6.3.1.7 (b):**
a maximum lot coverage of 18.70 percent, whereas the By-law requires a maximum lot coverage of 18.0 percent;

as it relates to a proposed semi-detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

THAT Application No A/171/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. B/025/21

Owner Name: Tung Kee Investment Canada Ltd.
Agent Name: MHBC Planning Limited (Celeste Salvagna)
3143 19th Avenue, Markham
CON 4 PT LOT 30

The purpose of the proposed severance is to create a separate parcel of land to be developed as a Film Studio in accordance with the MZO applying to the lands. The applicant is requesting provisional consent to:

- a) collectively sever and convey a parcel of land being Parts 1 to 7 with an approximate lot area of 264,401.56 sq m as shown in the Draft R-Plan (Parts 1 and 2 being a future road widening to be conveyed to the City);
- b) to collectively retain a parcel of land being Parts 8 and 9 with an approximate lot area of 138,228.72 sq m as shown in the Draft R-Plan;
- c) create easements for access and servicing in favour of Parts 6 and 7 over Part 8.

(North Markham District, Ward 2)

The Secretary-Treasurer introduced the application.

The agent David McKay appeared on behalf of the application.

Committee member Tom Gutfreund supported the application but asked why they put the project in this area with an MZO.

David McKay clarified that the MZO was needed to secure the film studio and that the on-demand streaming services and online video content are in demand.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

Committee of Adjustment Minutes
Wednesday, December 8, 2021

THAT Application No B/025/21 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of Committee of Adjustment be adjourned at 9:13 PM, and the next regular meeting will be held on January 19, 2022.

CARRIED



Acting Secretary-Treasurer,
Committee of Adjustment



Chair

Appendix D

File: 21.126183.000.00.MNV

Date: 05/20/22
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment November 29, 2021

File: A/086/21
Address: 45 Pringle Ave, Markham
Applicant: Trenton Drafting and Design (Dale Theriault)
Agent: Trenton Drafting and Design (Dale Theriault)
Hearing Date: Wednesday, December 08, 2021

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 1229, R1 as amended:

- a) **Amending By-law 99-90, Section 1.2 (i):**
a maximum height of 10.84 m, whereas the By-law permits a maximum height of 9.8 m;
- b) **Amending By-law 99-90, Section 1.2 (iii):**
a maximum depth of 18.29 m, whereas the By-law permits a maximum depth of 16.8 m;
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 54.34 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- d) **Section 11.2 (c) (i):**
a covered porch and stairs to encroach 31" into the required front yard, whereas the By-law permits a maximum encroachment of 18";

as it relates to a proposed detached dwelling.

BACKGROUND

Property Description

The 879.13 m² (9,462.87 ft²) subject property is located on the north side of Pringle Avenue, north of Highway 7 and west of Wootten Way North. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There are a few newer dwellings being developed as infill developments on Pringle Avenue. Mature vegetation exists across the property. The property is developed with a two-storey single detached dwelling, which according to assessment records, was constructed in 1972. There is an existing in ground swimming pool located in the rear yard.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey single detached dwelling with a gross floor area of approximately 405.06 m² (4,360 ft²). The proposal also includes the construction of an 11.15m² (120 ft²) cabana in the rear northwest corner of the property. The existing in ground swimming pool in the rear yard will remain.

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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The subject property is zoned R1 ‘Residential’ under By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to the permitted yard encroachment for the front covered porch and stairs.

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 neighborhoods. 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 maximum building height, building depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the initial proposal submitted on June 11, 2021. The proposal has since been amended to address staff’s comment related to the excessive building height, depth and gross floor area.

Planning Staff have noted there may be an error in the area of the open to below spaces that are to be excluded from the gross floor area calculation, which may impact the 54.34% the floor area ratio variance request. Staff have encouraged the applicant to undertake an updated Zoning Preliminary Review to confirm the variances required for the revised proposal prior to resubmission. However, the applicant wishes to proceed without a Zoning Preliminary Review based on their confidence that the variances requested are accurate. It remains 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 variances in this application contain 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 Building Height

The applicant is requesting relief to permit a maximum building height of 10.84 m (35.56 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 1.04 m (3.41 ft).

The By-law calculates building height using the vertical distance of 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 0.97 m (3.18 ft) above the crown of road. The building height measured from the proposed grade to the peak of the roof is 9.87 m (32.41 ft).

Staff note that the main roof peaks at the centre of the building and slopes down towards the side and rear, which assists in reducing the vertical massing of the building and, reduces the visual impact onto neighbouring properties. The proposed building complies with the minimum 6 ft (1.83m) required interior side yard setbacks for a two-storey dwelling. Staff consider the requested variance to be minor in nature and have no concern.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.29 m (60 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 1.49 m (4.88 ft).

The requested variance includes a projection of the covered porch and a bump out at the rear of the dwelling, which cumulatively adds approximately 2.14 m (7 ft) to the overall depth of the building. The main component of the building has a depth of 16.15 m (52.98 ft) which complies with the by-law requirement and is in keeping with the existing homes on the street. Staff are of the opinion that the proposed building depth is generally consistent with the established character of the neighbourhood and have no concern.

Increase in Maximum Floor Area Ratio (FAR)

The applicant is requesting relief to permit a FAR of 54.34 percent, whereas the By-law permits a maximum FAR of 45 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with a floor area of 405.06 m² (4,360 ft²), whereas the By-law permits a dwelling with a maximum floor area of 335.91 m² (3,615.7 ft²). This represents an increase of approximately 69.15 m² (744.32 ft²).

FAR 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.

As submitted, the building layout complies with the front, side and rear yard setback requirements which ensures adequate separation from adjacent homes, appropriate amenity space in the rear yard and consistent setback pattern on the street, despite the other requested variances. Notwithstanding the FAR variance, the proposed dwelling has a lot coverage of 32.35%, which complies with the maximum 35% coverage permitted by the by-law. The size of the building footprint is also consistent with the surrounding homes including the ones originally developed in the 1970's.

Considering the design of the proposed dwelling and its relationship with the surrounding homes, staff are of the opinion that the requested variance to 54.34% will not result in any demonstrable adverse impact on the neighbouring properties or the streetscape character. However, it should be noted that there has not been any variances approved for a floor area ratio increase as high as 54% on the street and immediate vicinity and therefore, the proposed dwelling will be one of the largest homes on the street.

As identified earlier in this memorandum, Staff request that the applicant demonstrate to the Committee that the FAR calculated in support of this variance requested, is accurate. Staff recommend that the Committee consider public input and satisfy themselves whether the variance meets the four tests of the Planning Act.

Increase in Maximum Eaves/roofed Encroachment

The applicant is requesting a variance to permit a covered porch and stairs to encroach 31 in (0.78 m) into the front yard, whereas the By-law permits a maximum yard encroachment of 18 in (0.45 m). This represents an increase of 13 in (0.33 m).

The proposed front covered porch and stairs will be appropriately setback from the adjacent properties and the street line. Staff do not anticipate the requested variance will adversely affect the streetscape or the adjacent homes. It is the opinion of staff that the front covered porch adds an architectural element to the front building elevation, which helps improve wall articulation and enhance the visual appearance of the façade. Staff consider the requested variance minor in nature and have no concern.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 1, 2021. 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 related to building height, building depth, and yard encroachment meet the four tests of the Planning Act. Regarding the variance for floor area ratio increase, staff recommend that the Committee consider public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

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:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\21 126183 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/086/21

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

Appendix B

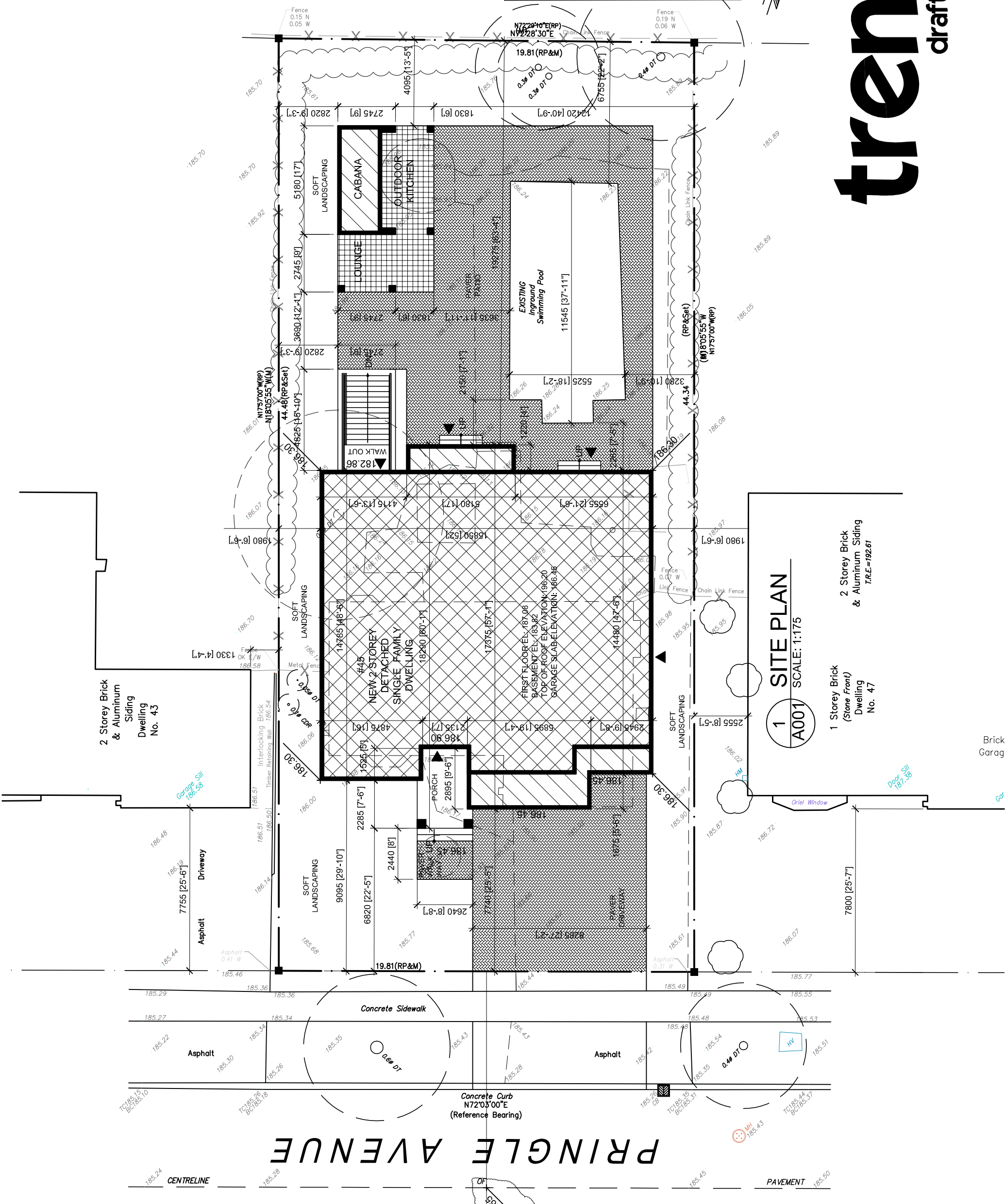
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Date: 12/03/21

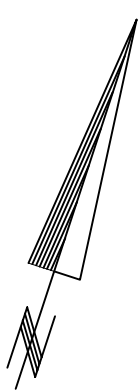


MM/DD/YY

PRINGLE AVENUE



GROSS LOT AREA= 9,470.00 SQ.FT.
 NET LOT AREA= 1/2 (9470-6600) + 6,600.00 = 8,035.00 SQ.FT.
 FIRST FLOOR AREA= 2,632.00 SQ.FT. SQ.FT.
 SECOND FLOOR AREA = 2,410.00 SQ.FT.
 TOTAL DWELLING GFA = 5,042.00 SQ.FT.
 DEDUCTABLE AREA= 682.00 SQ.FT.
 TOTAL NET GFA=4,360.00 SQ.FT. / NET LOT AREA (8,035) = (0.54)
 CABANNA AREA= 120.00 SQ.FT.
 COVERAGE
 DWELLING - 2,728.00 SQ.FT.
 CABANNA- 336.00 SQ.FT.
 TOTAL COVERAGE - 3,064.00 SQ.FT. (32.35%)



1 SITE PLAN
 A001 SCALE: 1:175

1 Storey Brick
 (Stone Front)
 Dwelling
 No. 47

2 Storey Brick
 & Aluminum Siding
 T.R.E.#192.61

Brick Garag

PROJECT ADDRESS:
 45 PRINGLE AVENUE
 MARKHAM, ONTARIO

DRAWING TITLE:
SITE PLAN

SCALE:
1:150

DATE:
01-25-21

DRAWING NUMBER:
A001

trenton

drafting & design

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21

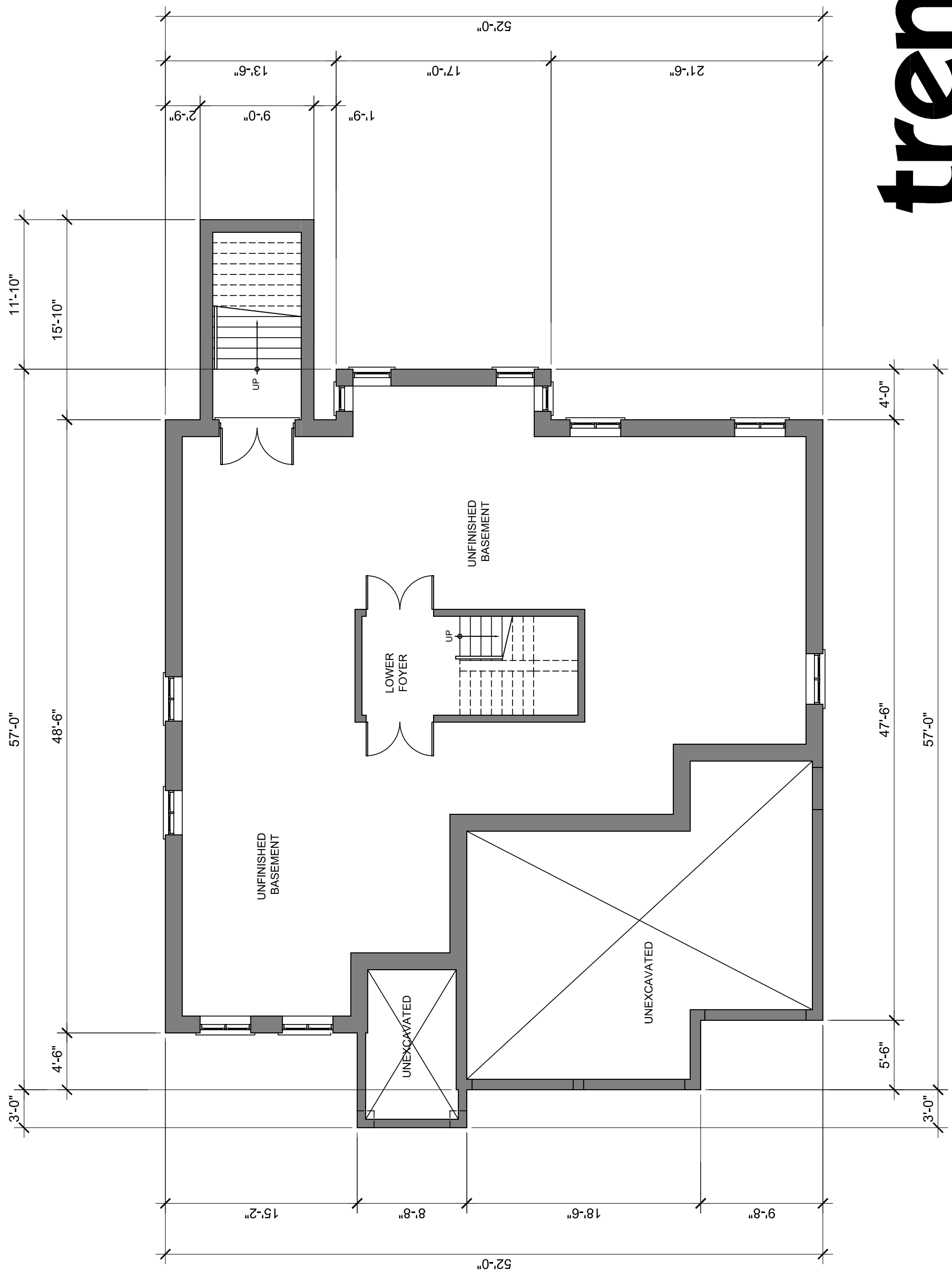
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45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
**BASEMENT
FLOOR PLAN**

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A100



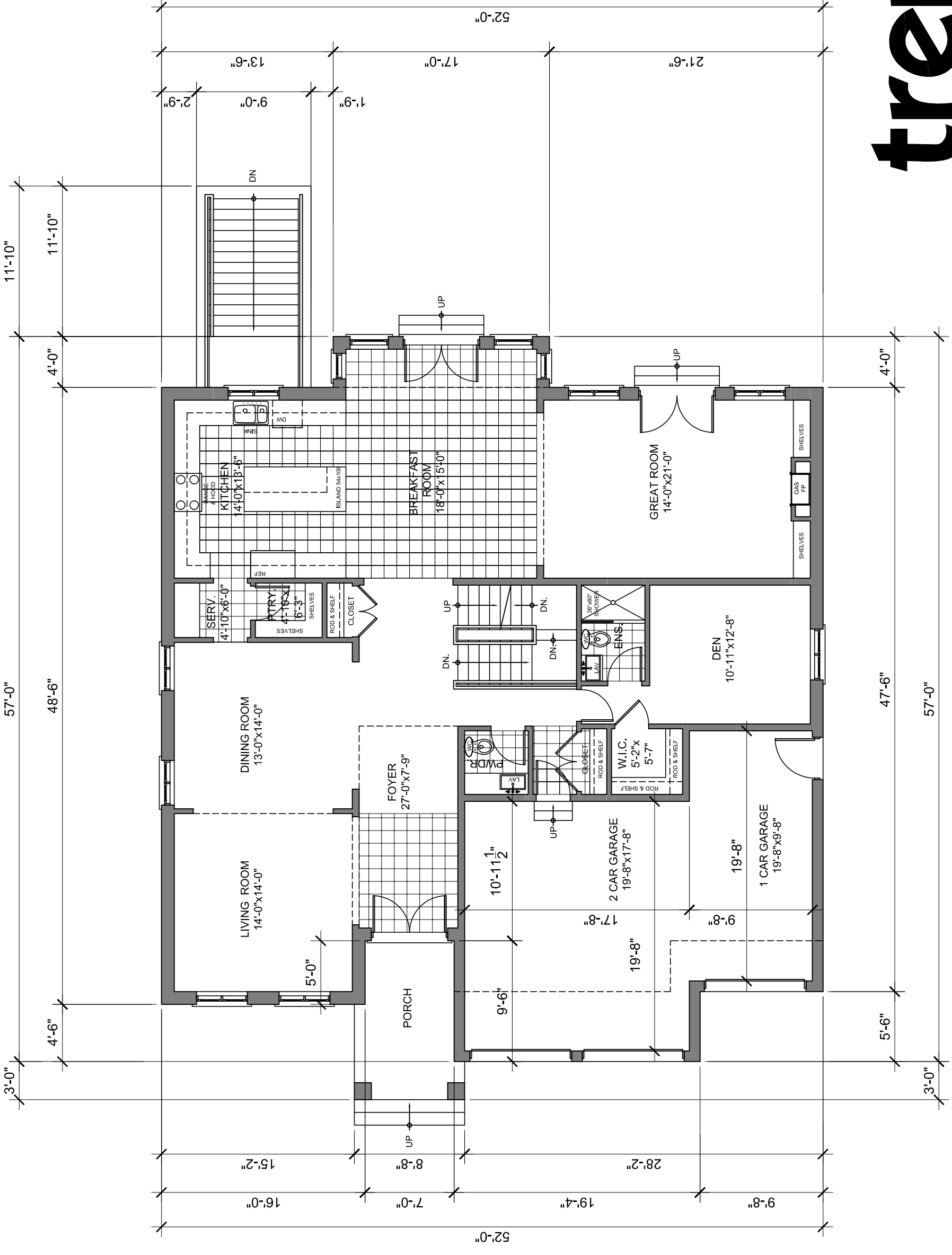
trenton
drafting & design

1 BASEMENT FLOOR PLAN
SCALE: 1/8"=1'-0"
A100

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21



PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
FIRST FLOOR PLAN

SCALE:
AS NOTED

DATE:
01-25-21

DRAWING NUMBER:
A101

trenton
drafting & design

1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

Appendix B

File: 21.126163.000.00.MNV

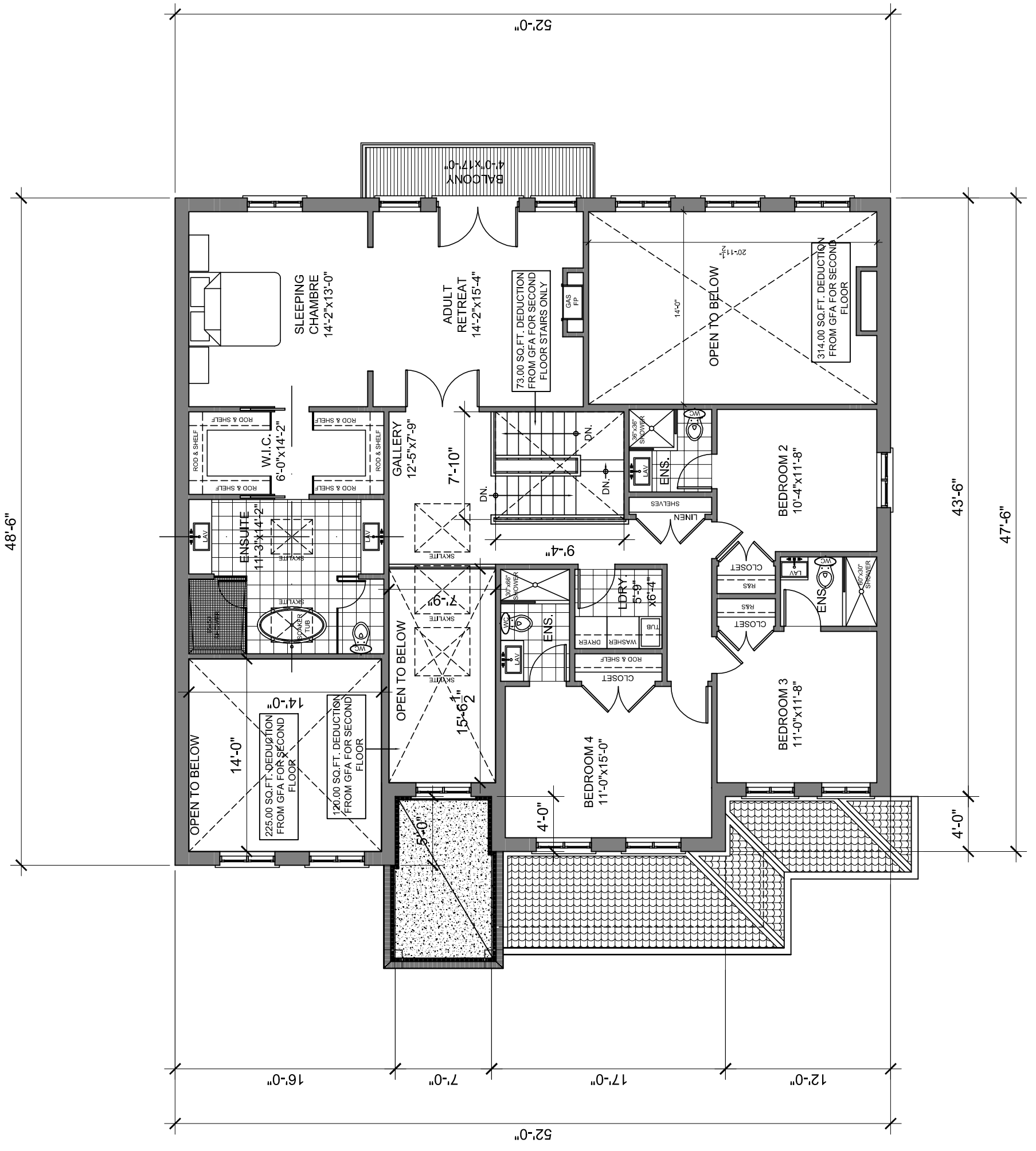
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PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO	DRAWING TITLE: SECOND FLOOR PLAN	SCALE: AS NOTED	DATE: 01-25-21	DRAWING NUMBER: A102
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trenton

drafting & design




1 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

Appendix B

File: 21.1261683.000.00.MNV

Date: 12/03/21



PROJECT ADDRESS:
45 PRINGLE AVENUE
MARKHAM, ONTARIO

DRAWING TITLE:
ROOF PLAN

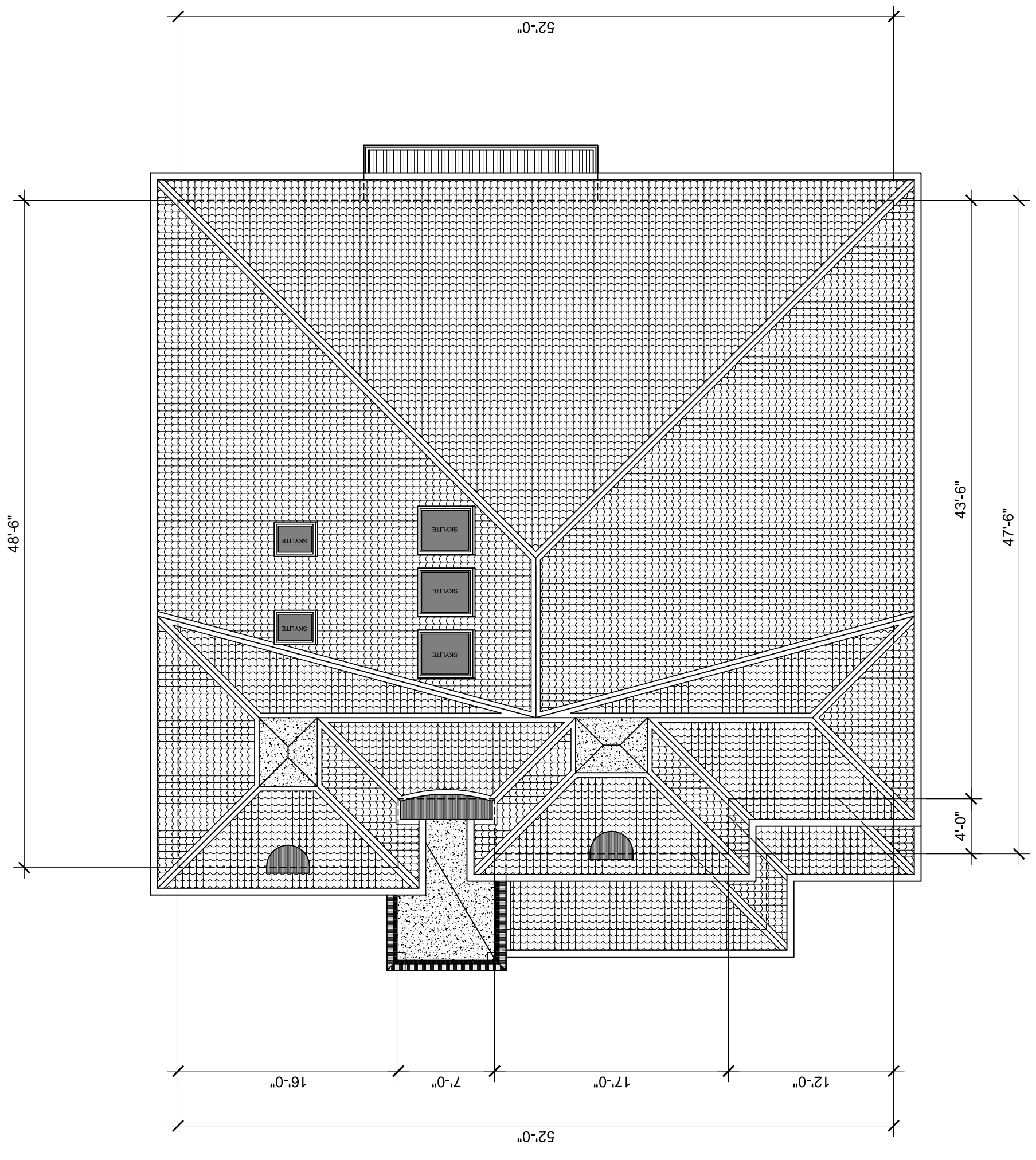
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DATE:
01-25-21

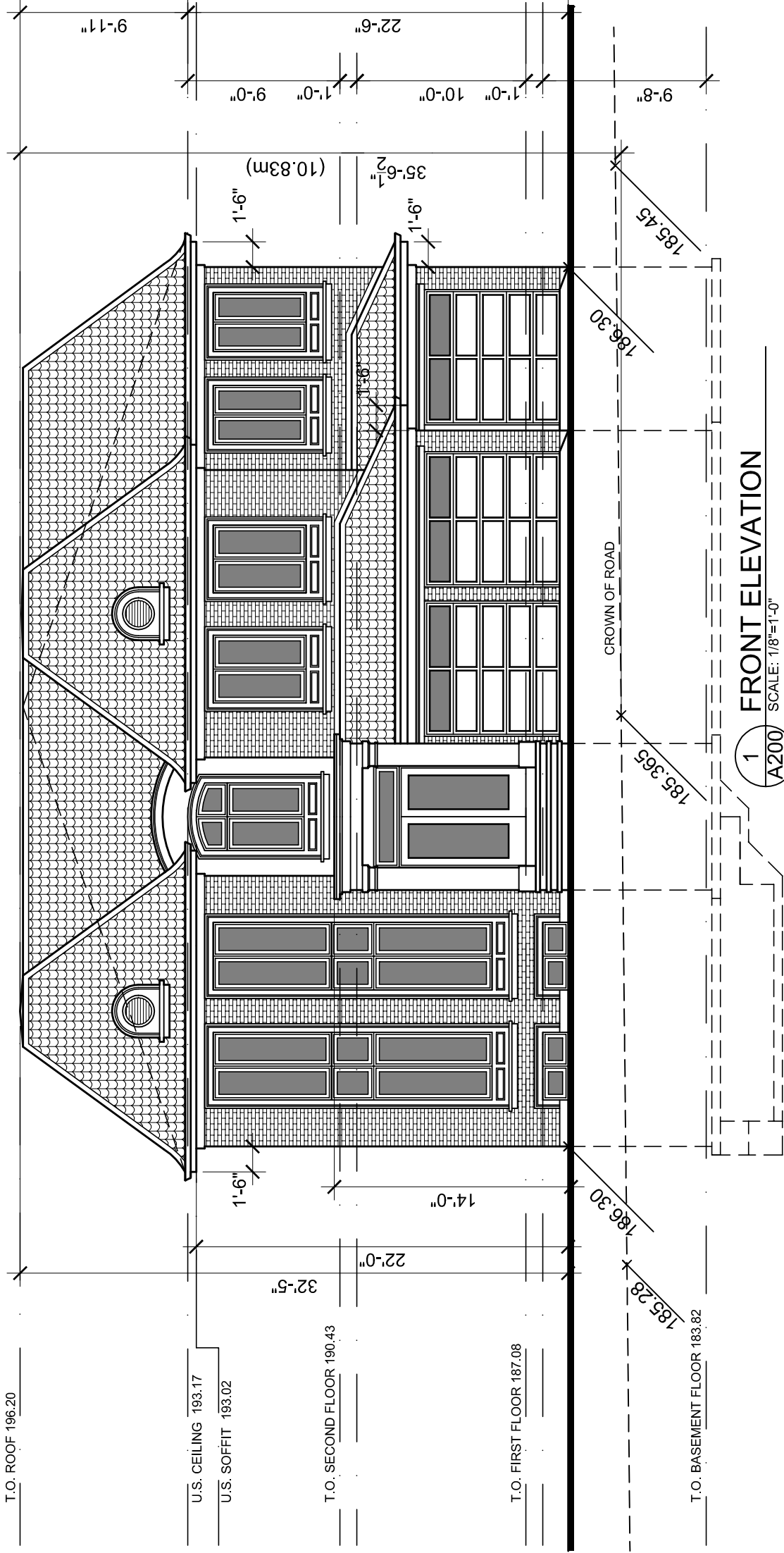
DRAWING NUMBER:
A103

trenton

drafting & design



1 ROOF PLAN
A103
SCALE: 1/8"=1'-0"



1 FRONT ELEVATION

SCALE: 1/8"=1'-0"

A200

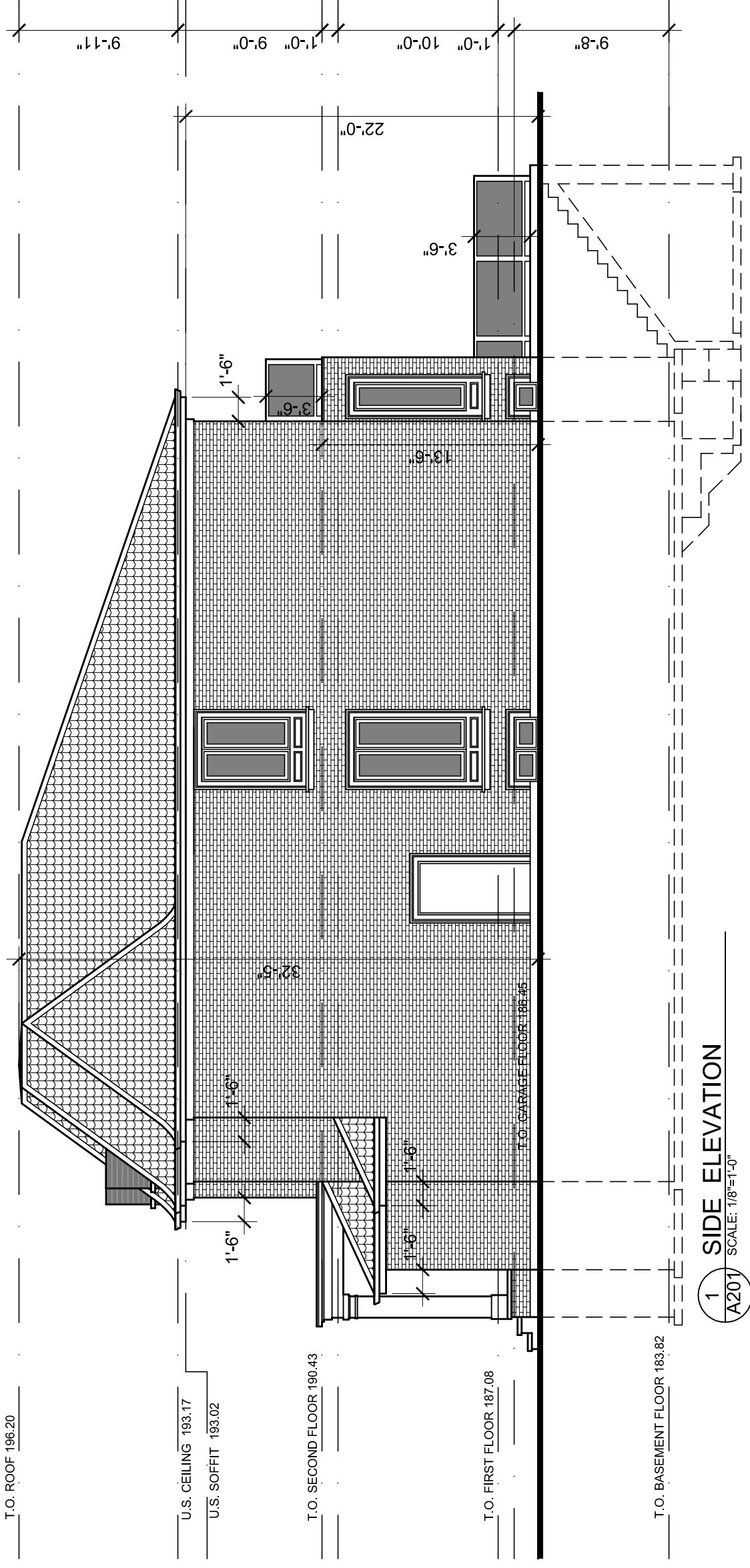
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File: 21.126183.000.00.MNV

Date: 12/03/21

MM/DD/YY

PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO	DRAWING TITLE: SIDE ELEVATION	AS NOTED
DATE: 01-25-21	DRAWING NUMBER: A201	



trenton
drafting & design

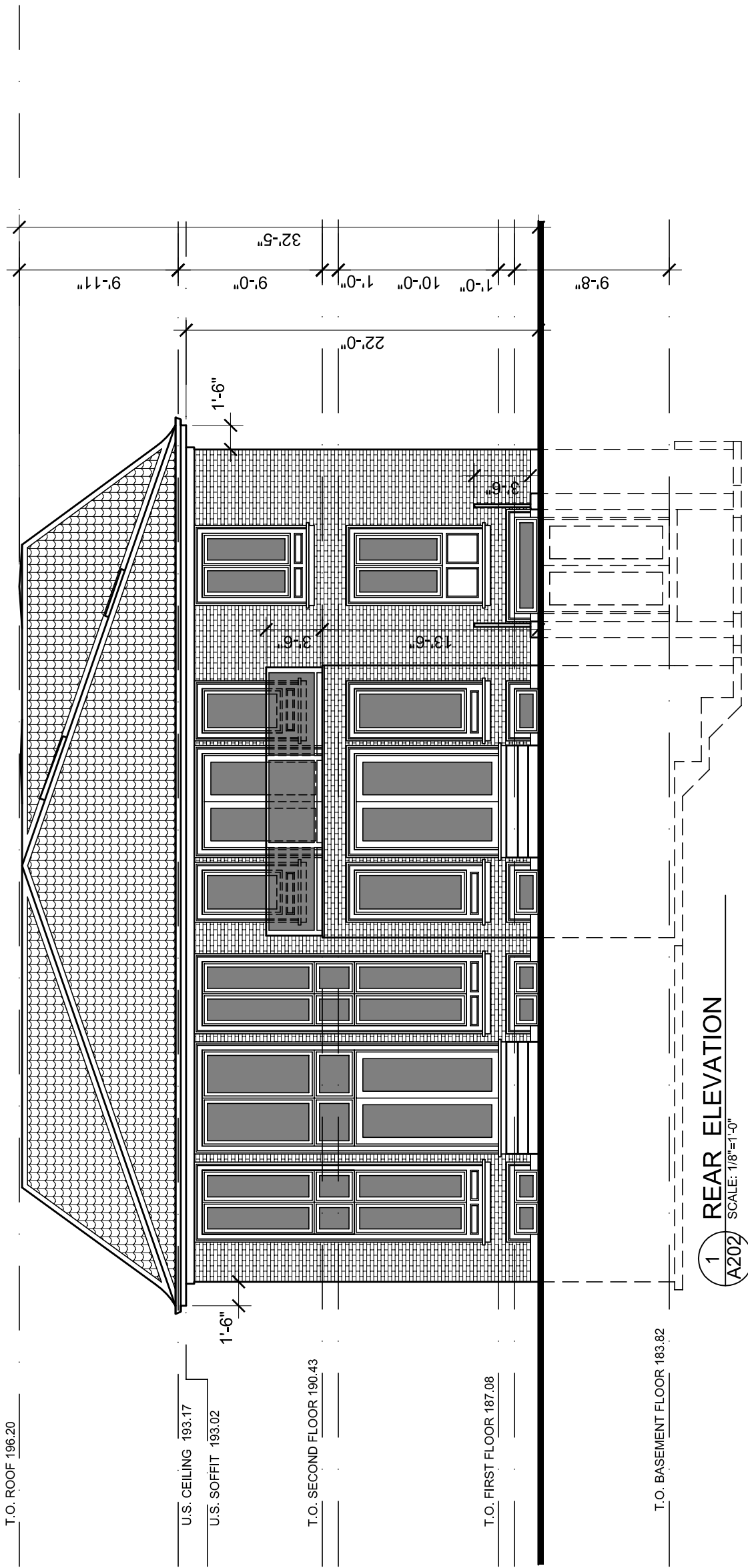
Appendix B

File: 21.126183.000.00.MNV

Date: 12/03/21

MM/DD/YY

PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE: REAR ELEVATION
SCALE: AS NOTED
DATE: 01-25-21
DRAWING NUMBER: A202



1 REAR ELEVATION
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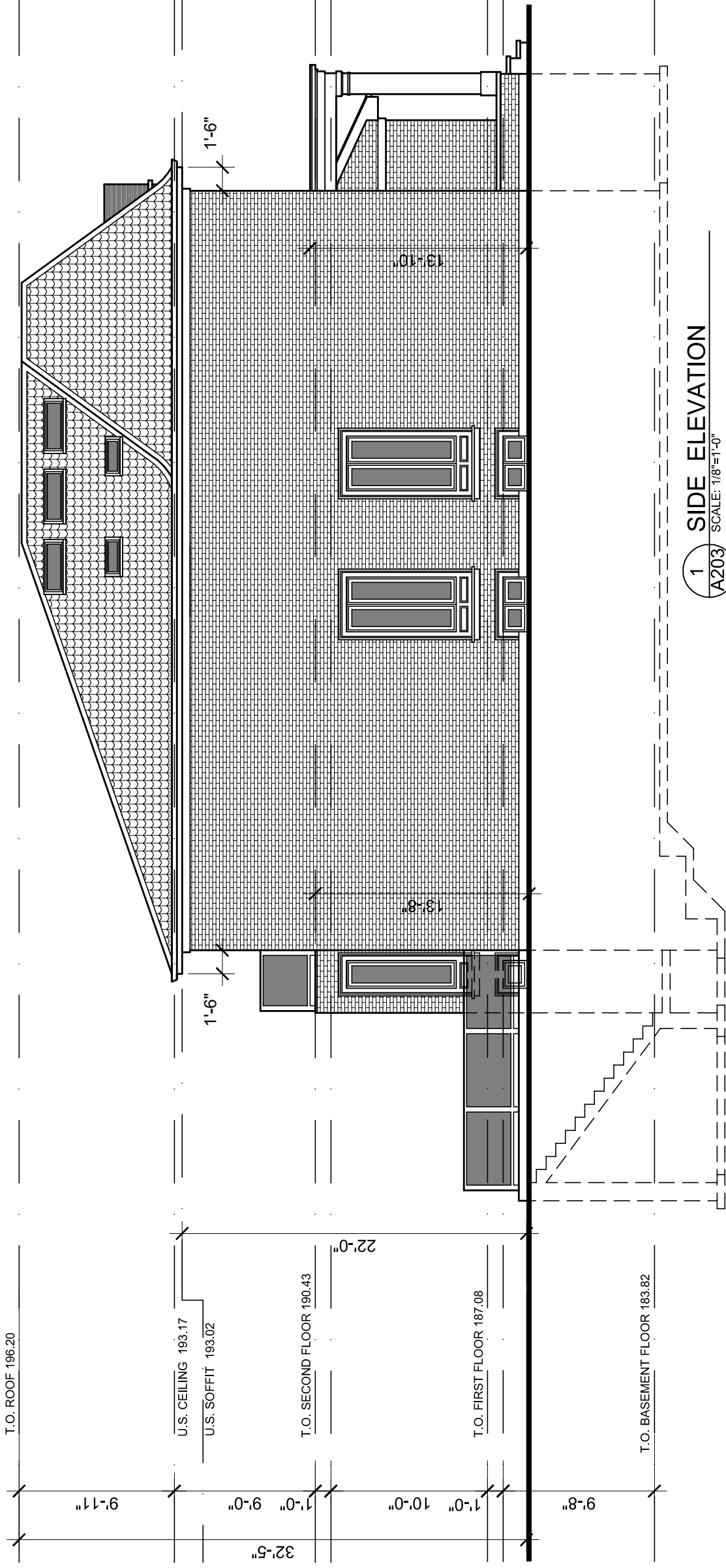
trenton

drafting & design

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21



PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO
DRAWING TITLE: SIDE ELEVATION
SCALE: AS NOTED
DATE: 01-25-21
DRAWING NUMBER: A203

trenton

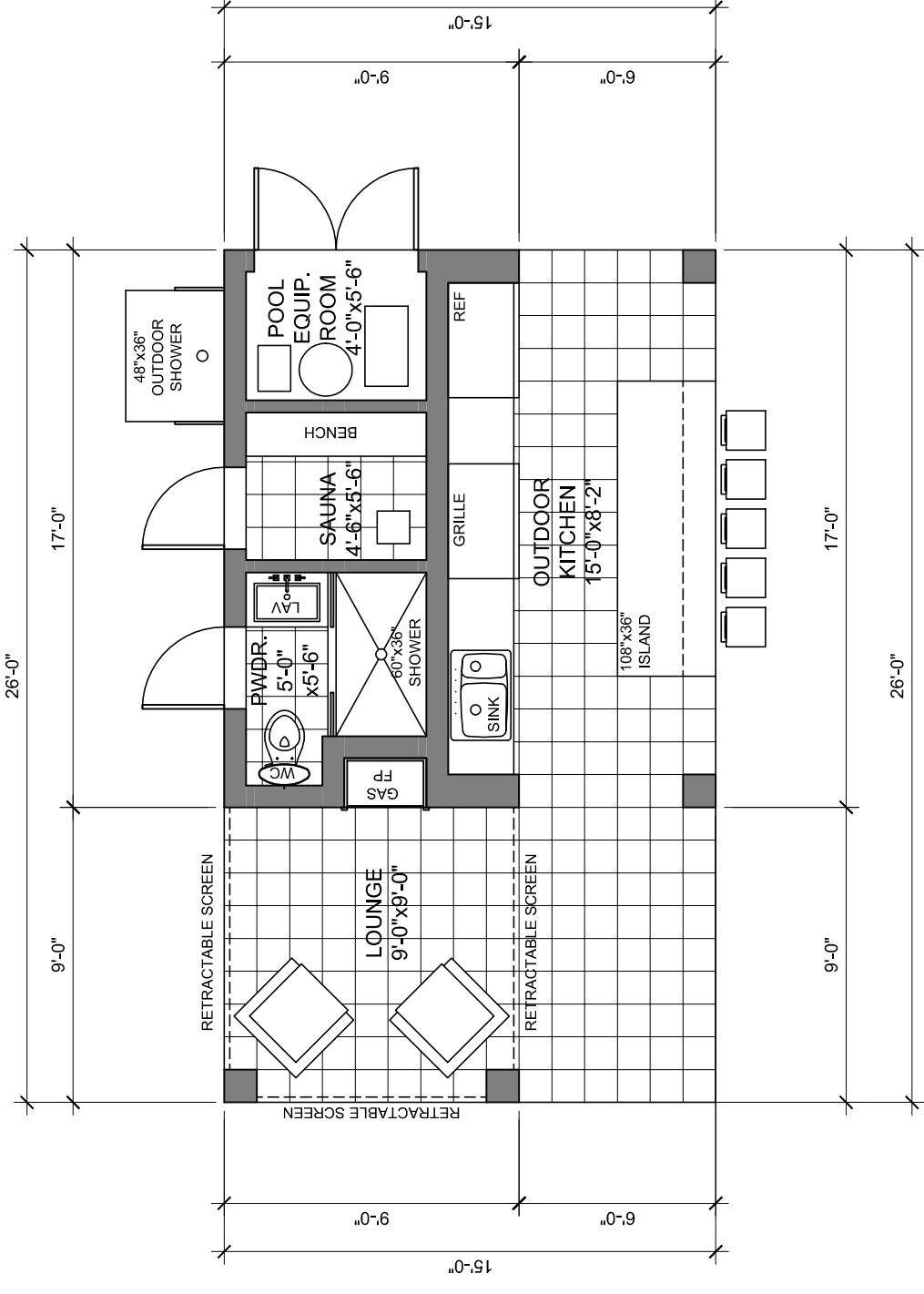
drafting & design

Appendix B

File: 21.126163.000.00.MNV

Date: 12/03/21

MM/DD/YY



1 CABANA FLOOR PLAN
SCALE: 3/16"=1'-0"

PROJECT ADDRESS: 45 PRINGLE AVENUE MARKHAM, ONTARIO	DRAWING TITLE: CABANA FLOOR PLAN	SCALE: AS NOTED	DATE: 01-25-21	DRAWING NUMBER: A300
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trenton

drafting & design

Appendix B

File: 21.126163.000.00.MNV

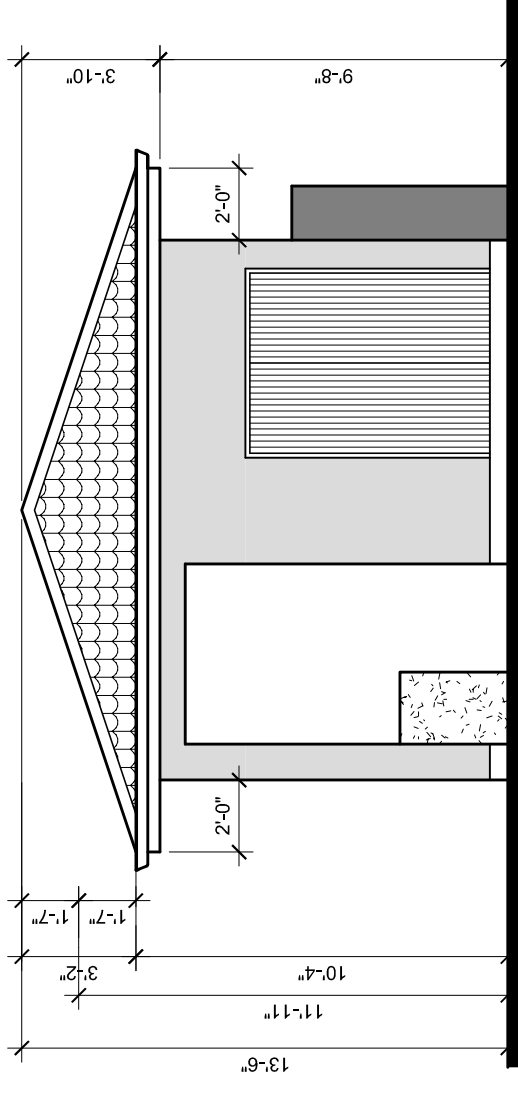
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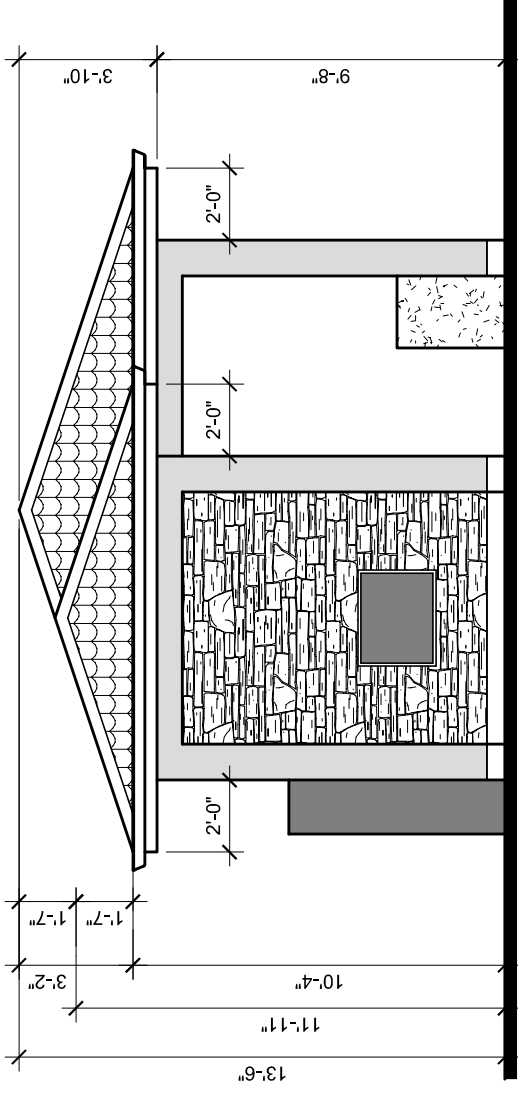
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trenton

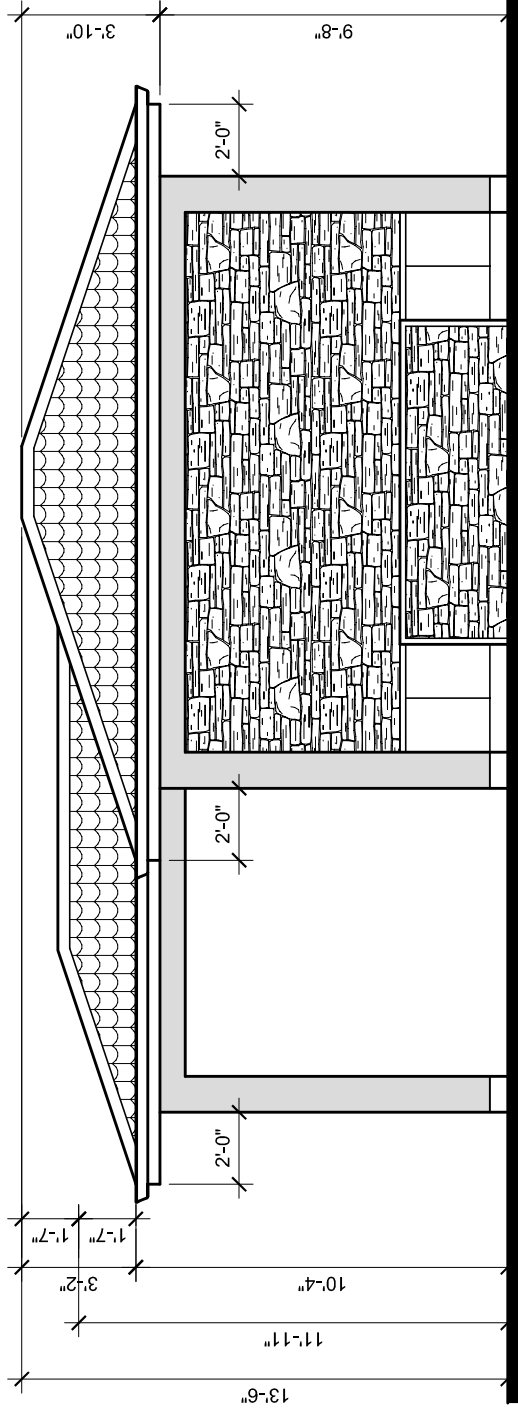
drafting & design



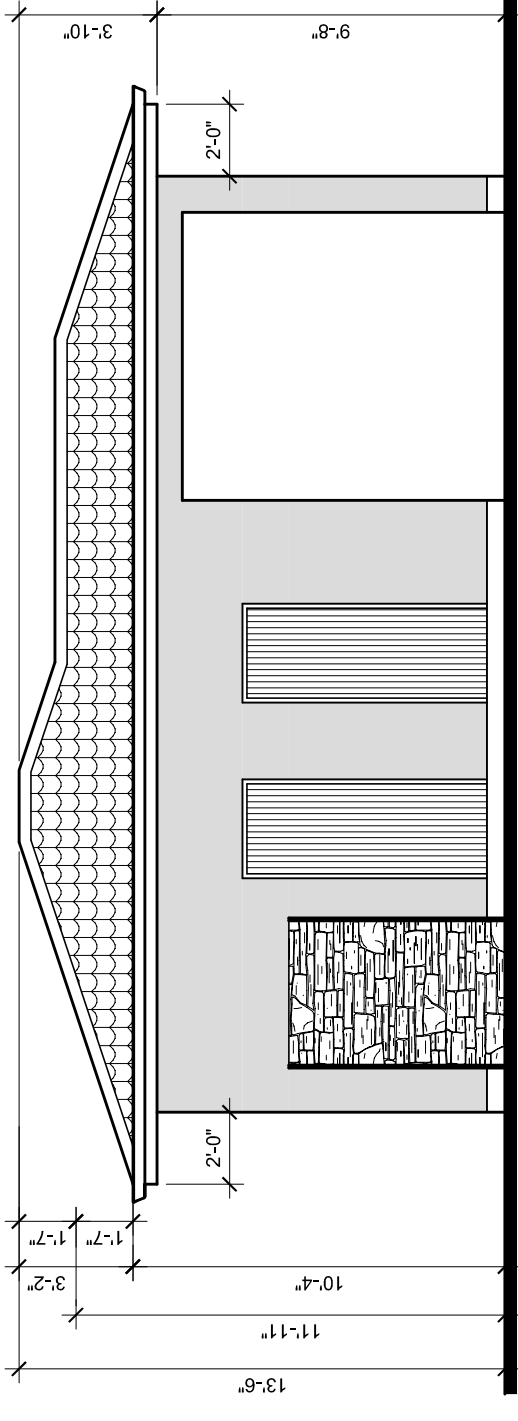
2 SIDE ELEVATION
SCALE: 3/16"=1'-0"
A301



4 SIDE ELEVATION
SCALE: 3/16"=1'-0"
A301



1 FRONT ELEVATION
SCALE: 3/16"=1'-0"
A301



3 REAR ELEVATION
SCALE: 3/16"=1'-0"
A301

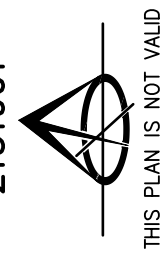
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BEARING NOTE
 BEARINGS ARE ASTROMETRIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK NO. M39-JOB HAVING A PUBLISHED ELEVATION OF 180.211 METRES.

ELEVATION NOTE
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK NO. M39-JOB HAVING A PUBLISHED ELEVATION OF 180.211 METRES.

- LEGEND**
- DENOTES SURVEY MONUMENT SET
 - RP REGISTERED PLAN M-1385
 - PJ PLAN BY PAUL JAYSON COMPANY LIMITED, O.L.S. DATED JUNE 3, 1972
 - PJ2 PLAN BY PAUL JAYSON COMPANY LIMITED, O.L.S. DATED JUNE 3, 1972
 - PJ3 PLAN BY PAUL JAYSON COMPANY LIMITED, O.L.S. DATED JUNE 3, 1972
 - NA.S.E.W. MEASURED
 - IB IRON BAR
 - P.I.N. PROPERTY IDENTIFIER NUMBER
 - BB BELT BOX
 - BC BOTTOM OF CURB
 - PC TOP OF CURB
 - COR CEDAR TREE
 - DT DECIDUOUS TREE
 - CS CONIFEROUS TREE
 - SM SURVEY MARK
 - HV HYDRO VAULT
 - WH WHOLE
 - T.R.E. TOP OF ROOF ELEVATION

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2151901



THIS PLAN IS NOT VALID UNLESS ORIGINAL COPY IS PRODUCED IN ACCORDANCE WITH REGULATION 1026, SECTION 29(3).

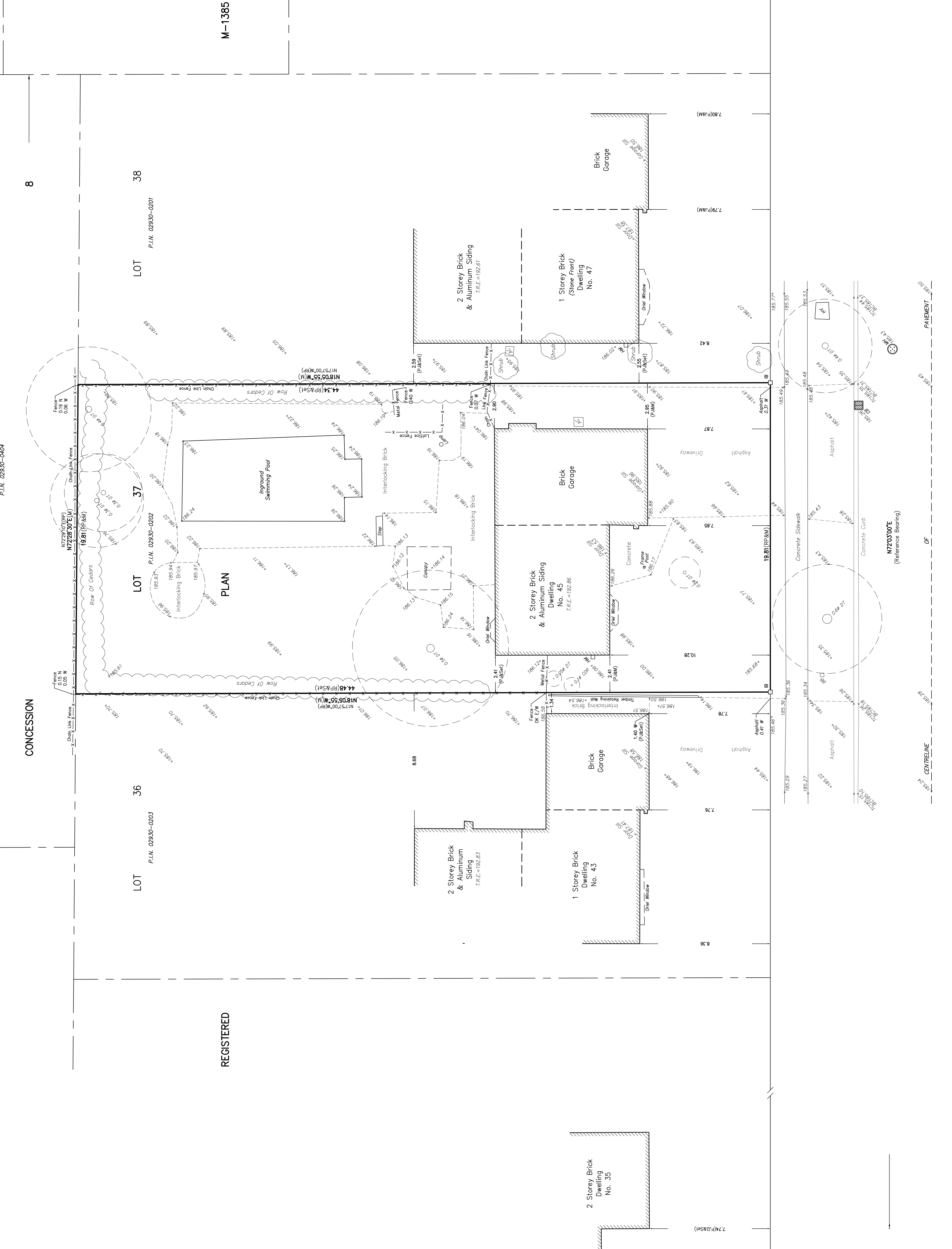
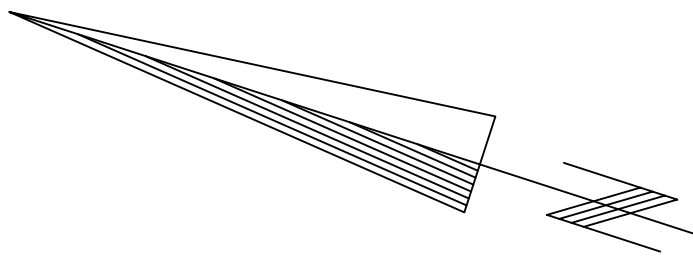
SURVEYOR'S CERTIFICATE
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF JANUARY, 2021.

FEBRUARY 1, 2021
 DATE

ONARIO LAND SURVEYOR

THE PLAN WAS PREPARED FOR NERES SEADARAN

PART 2 - SURVEY REPORT
 1) PLEASE NOTE LOCATION OF FENCES
 2) REGISTERED EASMENTS AND/OR RIGHTS-OF-WAY NONE
 3) THIS PLAN DOES NOT COMPLY WITH ZONING BY-LAWS



PRINGLE AVENUE
 (By Registered Plan M-1385)

P.L.N. 02930-0386