

# Memorandum to the City of Markham Committee of Adjustment

April 11, 2022

**File:** A/174/21  
**Address:** 15 Karen Miles Crescent – Markham, ON  
**Applicant:** Xing Lin  
**Agent:** LHW Engineering (Lihang Wang)  
**Hearing Date:** April 20, 2022

The following comments are provided on behalf of the East District Team. The applicant is requesting relief from the following “First Density – Street Townhouse Residential (RST1)” zone requirement under By-Law 90-81, as amended, to permit:

**a) By-law 90-81, Section 5.2.6:**

a door providing access to the interior of a dwelling to be located 0.60 m (1.97 ft) from the interior side lot line, whereas the By-law requires that a door providing access to the interior of a street townhouse dwelling to be located a minimum of 1.20 m (3.94 ft) from the interior side lot line.

## **BACKGROUND**

This application was deferred sine die by the Committee of Adjustment (the “Committee”) at the initial hearing in order to provide the applicant with time to address the concerns noted in the Minutes Extract (Appendix “B”).

## **COMMENTS**

The variance initially requested remains unchanged; however, the applicant submitted new documentation as part of their second submission to the City including two letters. The first letter signed by the *current owner* of the property municipally known as 11 Karen Miles Crescent (the “neighbouring property”), advises that a fence will not be erected now, or anytime in the future along the side lot line that is shared with 15 Karen Miles Crescent (the “subject property”). The neighbouring property owner also acknowledges that the space between either dwelling is currently used by the residents of the subject property to access the rear yard from the front yard. The *current owner* of the subject property also submitted a letter, which commits to apply for a new building permit to close the proposed side door in any case where the construction of a fence occurs along this shared lot line.

Notwithstanding the new documentation submitted, staff remain of the opinion that the requested variance does not meet the four tests under Section 45(1) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*, for the reasons described in the initial staff report (see Appendix “A”).

## **PUBLIC INPUT SUMMARY**

Following the initial hearing, no new written submissions have been received as of April 11, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

## **CONCLUSION**

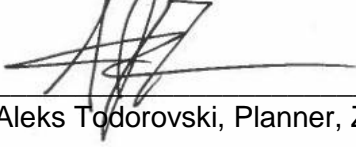
Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

**APPENDICES**

Appendix "A" – Initial Staff Report: February 7, 2022

Appendix "B" – Minutes Extract: February 16, 2022

PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**  
**INITIAL STAFF REPORT: FEBRUARY 7, 2022**

# Memorandum to the City of Markham Committee of Adjustment

February 7, 2022

**File:** A/174/21  
**Address:** 15 Karen Miles Crescent – Markham, ON  
**Applicant:** Xing Lin  
**Agent:** LHW Engineering (Lihang Wang)  
**Hearing Date:** February 16, 2022

The following comments are provided on behalf of the East District team.

The applicant is requesting relief from the following “First Density – Street Townhouse Residential (RST1)” zone requirements under By-Law 90-81, as amended, to permit:

**a) By-law 90-81, Section 5.2.6:**

a door providing access to the interior of a dwelling to be located 0.60 m (1.97 ft) from the interior side lot line, whereas the By-law requires that a door providing access to the interior of a street townhouse dwelling to be located a minimum of 1.20 m (3.94 ft) from the interior side lot line.

## **PROPERTY DESCRIPTION**

The subject property is located on the south side of Karen Miles Crescent, north of Steeles Avenue East, east of McCowan Road, and west of Middlefield Road. According to City records, a townhouse dwelling unit occupies the subject property. While the dwelling appears to be single detached above grade, the dwelling unit is commonly linked below grade at the foundation to the units occupying adjacent properties. The property is located within a residential neighbourhood, which predominantly contains two-storey dwellings.

## **PROPOSAL**

The applicant proposes to recognize the existing location of the door that currently accesses the cellar of the dwelling along the west side.

## **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 townhouse dwellings.

### Zoning By-Law 90-81, as amended

The subject property is zoned “First Density – Street Townhouse Residential (RST1)” under By-law 90-81, as amended, which permits street townhouse dwellings. The variance relates to Amending By-law 2016-123, which requires doors accessing a side yard to be setback a minimum distance of 1.20 m (3.94 ft). The Amending By-law was passed on November 1, 2016 and requires that this minimum distance for any door access located within an interior side yard also applies to street townhouse dwellings regulated under By-law 90-81. Therefore, the existing location of the door opening does not comply with this By-law requirement.

## **ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN**

The applicant has confirmed that a ZPR has not been completed. However, the applicant has received comments from the building department through their permit process to confirm the variance required for the proposed development.

## **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the "Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

### Door Location

As previously stated, the Amending By-law requires doors accessing an interior side yard to maintain a minimum distance of 1.20 m (3.94 ft), whereas the applicant requests a reduction to permit a side door to be setback a minimum distance of 0.60 m (1.97 ft) from the interior side lot line. This is a reduction of 0.60 m (1.97 ft) from the By-law requirement.

The intent of the required setback to a door is to ensure that:

- a side door does not swing onto adjacent property; and
- those accessing a dwelling will not trespass onto adjacent property.

Side yard setbacks of 0.60 m (1.97 ft) are provided on both sides of the house. Staff are of the opinion that the side yard setback on the west side which is already minimal, will be further encumbered by a side door. It is difficult for staff to advise that the requested variance is minor in nature, and would result in a desirable condition that makes for an appropriate use of the land and building.

Staff note that the existing door swings internal to the dwelling. Should the variance be approved, the applicant would need to demonstrate compliance with the Ontario Building Code (OBC) to obtain a building permit. Should the Committee resolve to deny this variance, the applicant would be required to remove the existing side entrance.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 7, 2022. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

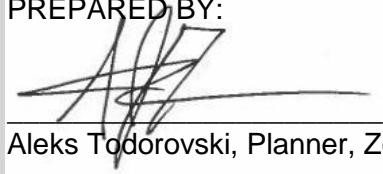
## **CONCLUSION**

Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request does not meet the four tests and recommend the application be denied. Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

**APPENDICES**

Appendix "A" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

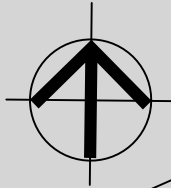
**APPENDIX "A"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/174/21**

# Appendix B

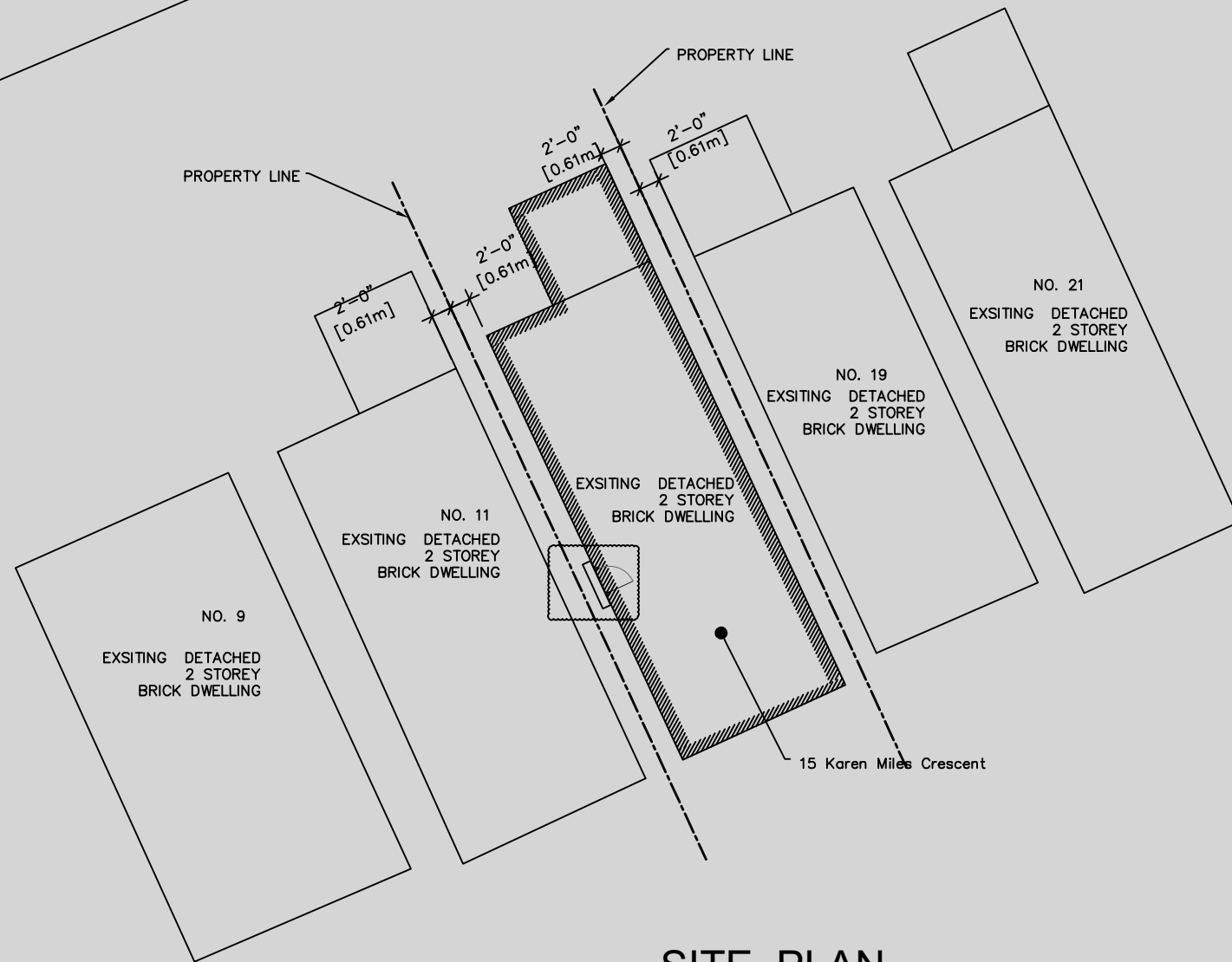
File: 21.143741.000.00.MNV

Date: 02/15/22  
MM/DD/YY

NORTH



Karen Miles Crescent



## SITE PLAN

1:200

NOTE: SITE PLAN FOR REFERENCE ONLY

### SITE STATISTICS

ZONE LOT AREA: NO CHANGE  
 EXISTING COVERAGE: NO CHANGE  
 BUILDING AREA: NO CHANGE

### GROSS FLOOR AREA

ALLOWABLE COVERAGE:

### SETBACKS (TO LOT LINES):

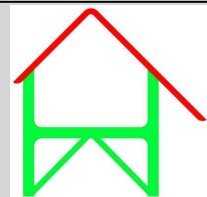
	PROPOSED
FRONT:	NO CHANGE
SIDE (E):	NO CHANGE
SIDE (W):	NO CHANGE
REAR:	NO CHANGE

### SCOPE OF WORK:

SIDE DOOR ALTERATION

**LHW ENGINEERING LTD.**

Unit 405, 2347 Kennedy Rd  
 TORONTO, ON M1T 3T8  
 T: 416-299-8837  
 LHW.Engineering@gmail.com



No.	Revision / Issue	Date
1	Issued for B.P.	08/Sept/2021
2	Issued for CofA	02/Nov./2021

PROJ. TITLE	ALTERATION - 15 Karen Miles Crescent Markham Ontario L5R 0V5
DWG. TITLE	SITE PLAN

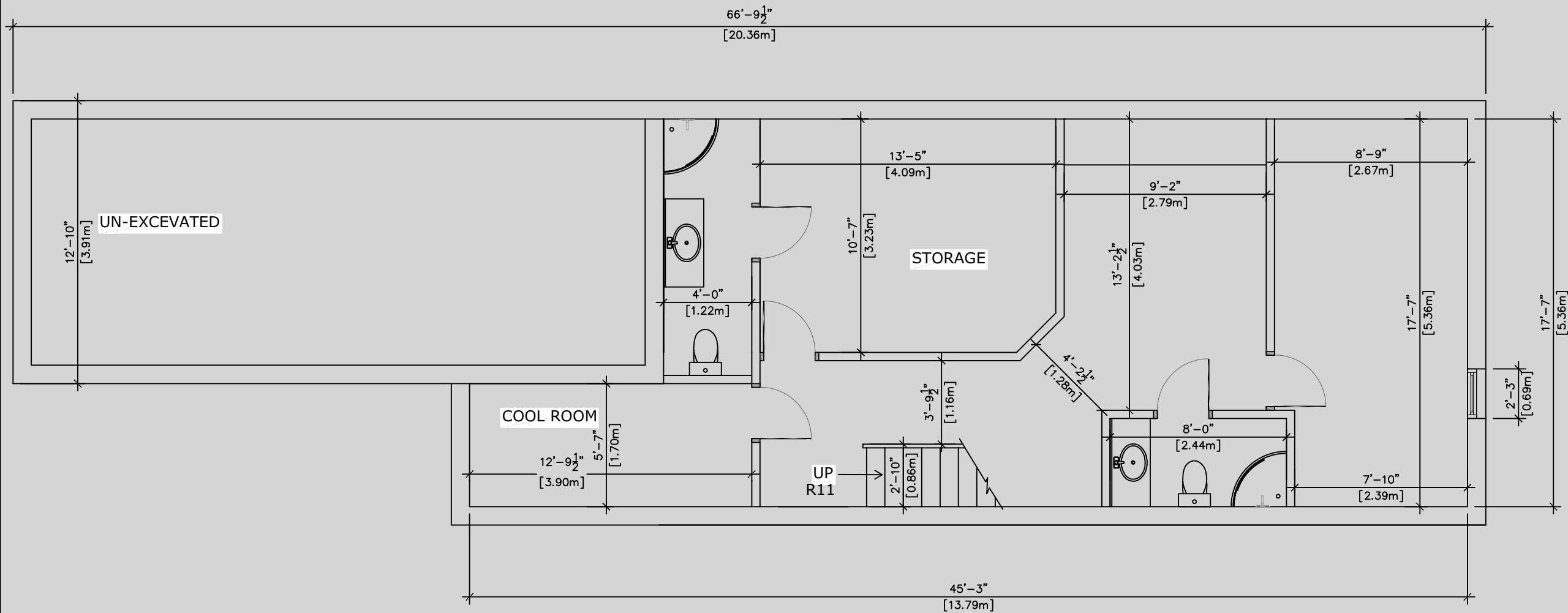
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SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	210901	DWG. NO	A0



# Appendix B

File: 21.143741.000.00.MNV

Date: 02/15/22  
MM/DD/YY



## EXISTING BASEMENT FLOOR PLAN

scale: 1:60

**LHW ENGINEERING LTD.**  
Unit 405, 2347 Kennedy Rd  
TORONTO, ON M1T 3T8  
T: 416-299-8837  
LHW.Engineering@gmail.com



No.	Revision / Issue	Date
1	Issued for B.P.	08/Sept/2021
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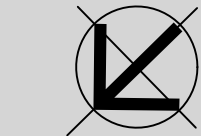
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DWG. TITLE	EX. BASEMENT FLOOR PLAN

DATE	08 Sept, 2021	DRAWN BY	JL
SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	210901	DWG. NO	A1

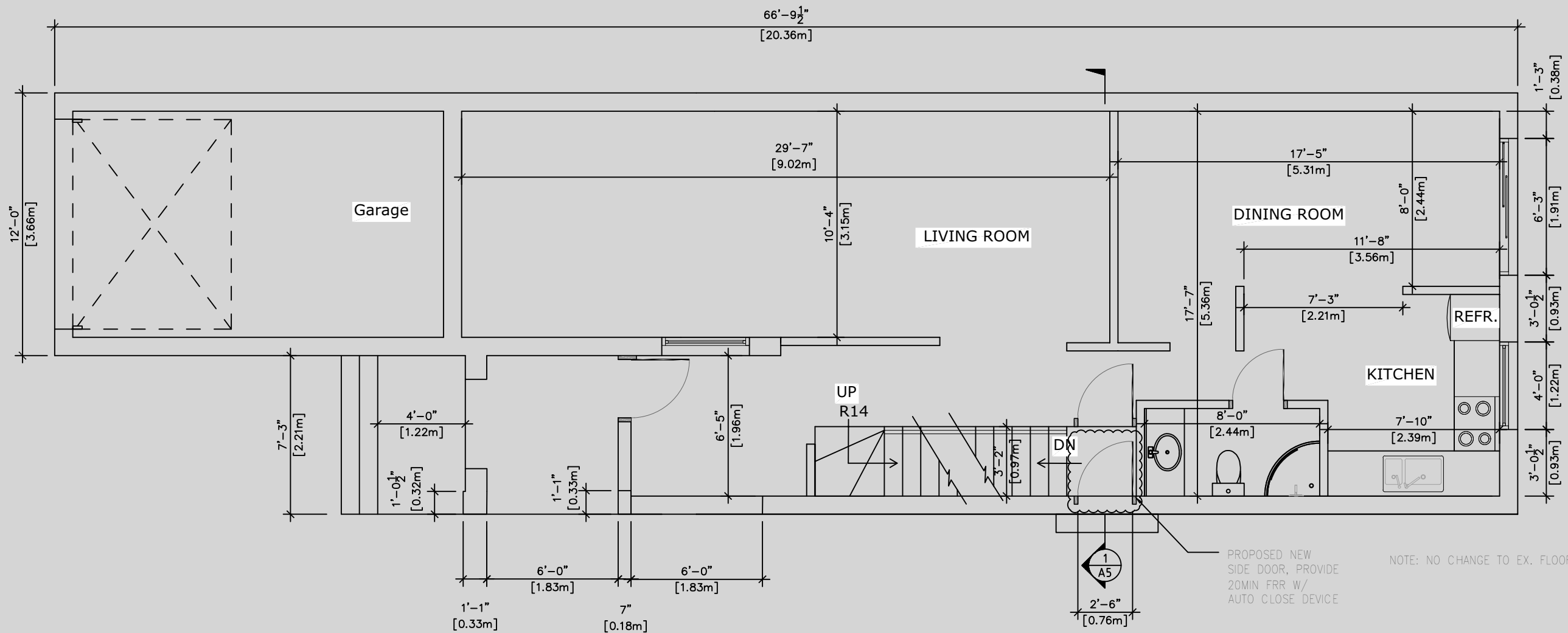
# Appendix B

File: 21.143741.000.00.MNV

Date: 02/15/22  
MM/DD/YY



NORTH

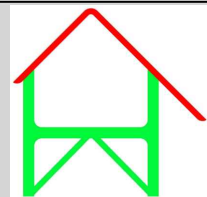


## PROPOSED GROUND FLOOR PLAN

scale: 1:60

**LHW ENGINEERING LTD.**

Unit 405, 2347 Kennedy Rd  
TORONTO, ON M1T 3T8  
T: 416-299-8837  
LHW.Engineering@gmail.com



No.	Revision / Issue	Date
1	Issued for B.P.	08/Sept/2021
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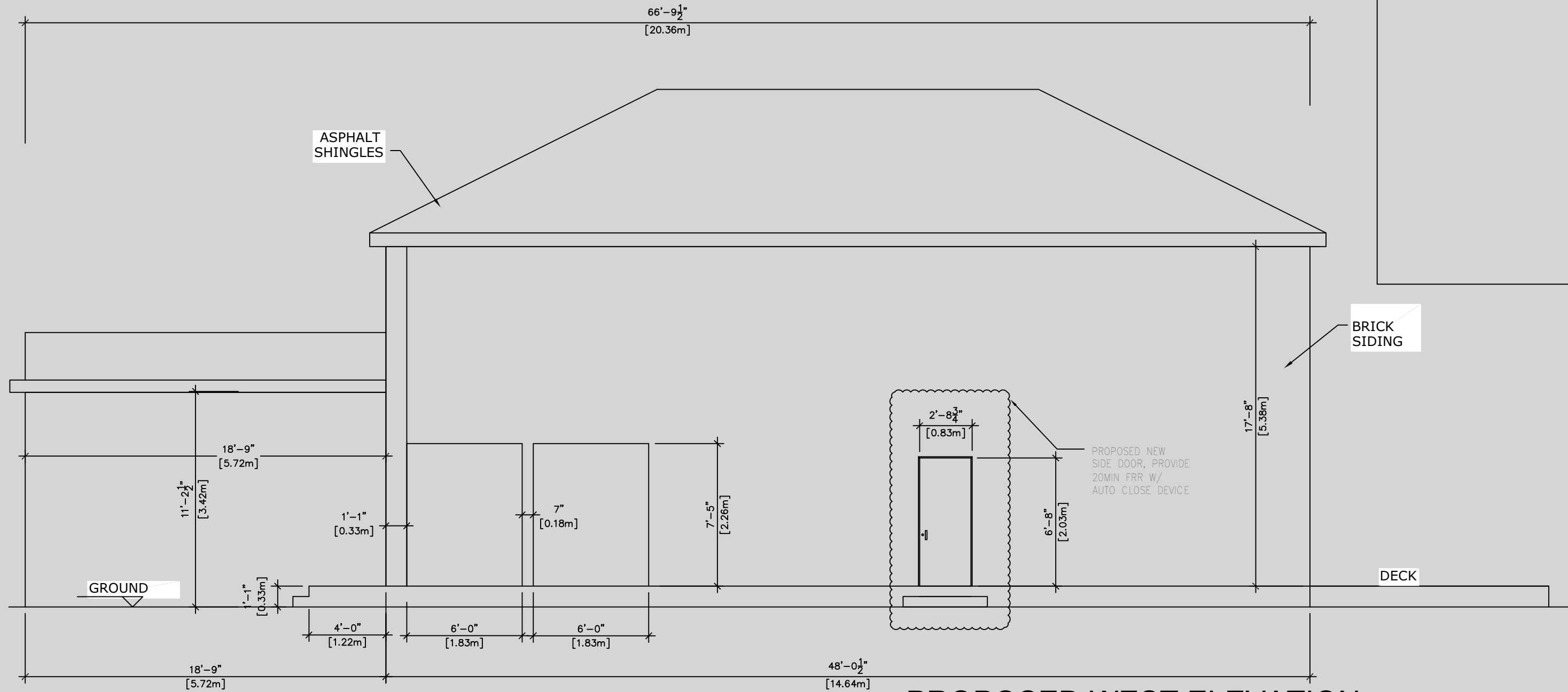
PROJ. TITLE	ALTERATION - 15 Karen Miles Crescent Markham Ontario L5R 0V5
DWG. TITLE	PROPOSED GROUND FLOOR PLAN

DATE	08 Sept, 2021	DRAWN BY	JL
SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	210901	DWG. NO	A2

# Appendix B

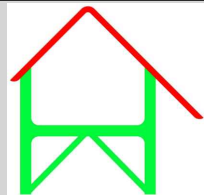
File: 21.143741.000.00.MNV

Date: 02/15/22  
MM/DD/YY



**PROPOSED WEST ELEVATION** scale: 1:60

**LHW ENGINEERING LTD.**  
Unit 405, 2347 Kennedy Rd  
TORONTO, ON M1T 3T8  
T: 416-299-8837  
LHW.Engineering@gmail.com



No.	Revision / Issue	Date
1	Issued for B.P.	08/Sept/2021
2	Issued for CofA	02/Nov./2021

PROJ. TITLE	ALTERATION - 15 Karen Miles Crescent Markham Ontario L5R 0V5
DWG. TITLE	PROPOSED WEST SIDE ELEVATION

DATE	08 Sept, 2021	DRAWN BY	JL
SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	210901	DWG. NO	A4

**APPENDIX "B"**  
**MINUTES EXTRACT: FEBRUARY 16, 2022**

**b) By-law 177-96, Section 6.2.1 (b):**

a deck to extend 3.65 m from the wall closest to the rear lot line, whereas the By-law permits a maximum extension of 3.0 m from the wall closest to the rear lot line;

as it relates to a proposed deck. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Steve Hall, appeared on behalf of the application.

Committee member Jeamie Reingold thinks the application is minor, meets the four tests, and supports the application.

Committee member Tom Gutfreund agrees with committee member Jeamie Reingold.

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

THAT Application No A/141/21 be approved subject to conditions contained in the staff report.

Resolution Carried

**3. A/174/21**

**Owner Name: Xing Lin**  
**Agent Name: LHW Engineering (Lihang Wong)**  
**15 Karen Miles Crescent, Markham**  
**PLAN 65M2470 PT BLK 93 RS65R11396 PARTS 3, 4 & 5**

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

**a) By-law 90-81, Section 5.2.6:**

a door providing access to the interior of a dwelling to be located 0.60 m from the interior side lot line, whereas the By-law requires that a door providing access to the interior of a street townhouse dwelling to be located a minimum of 1.20 m from the interior side lot line;

as it relates to a proposed side yard door to access the basement. **(East District, Ward 7)**

Committee of Adjustment Minutes  
Wednesday, February 16, 2022

The Secretary-Treasurer introduced the application.

The agent Mohammed Firouzi appeared on behalf of the application.

Committee member Patrick Sampson responded about the terms of the safety, and how the Building Code would ensure safety throughout all basements in Canada. He also inquired about why there are two existing bathrooms in the house.

The agent Mohammed Firouzi stated that the bathroom already existed. They don't want to touch it.

Committee member Patrick Sampson asked if they rented the basement out.

Committee Chair Gregory Knight highlighted that a possible fence could be erected.

Committee member Tom Gutfreund stated that there is only 2 feet from the property line. He is worried about the possibility of a fence being erected and highlighted that a standard ambulance stretcher is 22 and a half inches and six feet long. The stretcher would not have enough space to be swung into the dwelling. Tom cannot support this application and believes that the staff report states it is undesirable.

The owner, Cindy Lin, stated that she needed an additional door in the basement because of her kids and seniors in the house.

Committee Chair Gregory Knight asked if she had talked to the neighbour.

Committee member Arun Prasad asked what happens if a new neighbour buys the house or erects the fence.

Committee member Arun Prasad asked Brad Roberts about the basement plans. It was clarified that the cool room is under the front porch.

Committee Chair Gregory Knight highlighted that an easement would be needed for this scenario. In addition, maybe a deferral would be needed.

Manager of Zoning & Special Projects, Brad Roberts, stated that the dynamic would change within the plans.

Committee Chair Gregory Knight highlighted that it could be a solution.

Committee member Jeamie Reingold does not support this application. A simple solution may be to insulate the cool room and add a door which would create a safer entrance. Jamie cannot support the application as it is.

Committee member Tom Gutfreund recommends that the applicant defer the application.

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

THAT Application No A/174/21 be deferred sine die.

Resolution Carried

**4. A/182/21**

**Owner Name: Elly Verdi**  
**Agent Name: EPL Construction**  
**19 Talisman Crescent, Markham**  
**PLAN 4877 LOT 41**

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

- a) **By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 50.6 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- as it relates to a proposed detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

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

THAT Application No A/182/21 be deferred sine die.

Resolution Carried

**5. A/184/21**

**Owner Name: Ying Liang**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**18 Forest Park Crescent, Thornhill**  
**PLAN M1325 LOT 66**

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