



CITY OF MARKHAM
Virtual Meeting on Zoom

April 19, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 7th regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 pm
Jeamie Reingold	7:08 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Greg Whitfield, Supervisor, Committee of Adjustment

Regrets

Gregory Knight, Chair
Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: April 5, 2023

THAT the minutes of Meeting No. 6, of the City of Markham Committee of Adjustment, held April 5, 2023, be:

- a) Approved on April 19, 2023.

Moved By: Patrick Sampson
Seconded By: Sally Yan

Carried

PREVIOUS BUSINESS

1. A/175/22

Owner Name: Bing Fu
Agent Name: Gregory Design Group (Shane Gregory)
117 Main Street, Unionville
PL 401 LOT 16

The applicant was requesting relief from the requirements of By-law 122-72, as amended, to permit:

a) Section 7.1:

a minimum flankage side yard setback of 4 feet 9 inches (1.45 metres) for the proposed addition, whereas the by-law requires a flankage side yard setback no less than 12 feet (3.66 metres) or one half the height of the building;

b) Section 11.2 (c):

a minimum rear yard setback of 22 feet 11-1/2 inches (7 metres), whereas the by-law requires a minimum rear yard setback of 25 feet;

c) Section 11.2 (d):

a maximum lot coverage of 34.0 percent, whereas the by-law permits a maximum lot coverage of 33-1/3 percent;

as it related to a proposed two-storey addition with a new detached garage with loft.

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application.

Member Gutfreund indicated they had visited the site and were of the view the new addition would in keeping with the character of the neighbourhood, and would be in support of the application.

Member Sampson agreed with Member Gutfreund's statements that the variances were minor and would support the application.

Member Yan concurred with Members Gutfreund and Sampson, and was happy with the improvements to the property. Member Yan inquired whether the loft above the garage would be used for an additional dwelling unit.

Russ confirmed the loft would not be used as a dwelling unit.

Member Yan indicated they would be in support of the application.

Member Reingold agreed with the opinion of the other members and was in support of the application.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/175/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

2. A/032/23

Owner Name: Vachik Hagopian
Agent Name: RT Architects (Raffi Tashdjian)
67 Ramona Boulevard, Markham
PLAN 9143 LOT 266

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(i):

a maximum building height of 10.48 metres, whereas the By-law permits a maximum building height of 9.80 metres;

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

a maximum floor area ratio of 52.83 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

as it related to a proposed single detached dwelling.

The Chair introduced the application.

The agent, Raffi Tashdjian, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee.

Elizabeth spoke to the size of the lot and the visibility of the proposal as a result of it being a corner lot. Liz spoke to the neighbourhood characteristics and the current lack of infill development in the neighbourhood, and the tone the application would set for future infill within the area.

Elizabeth spoke to the four tests for Minor Variance, and indicated the request for floor area and height did not meet the tests for Minor Variance. Elizabeth also discussed the Official Plan policies for development standards and infill development, and did not believe that the proposal was appropriate for the area.

Randy Marsh, of 65 Ramona Boulevard, spoke to the Committee.

Randy spoke to the proposed attic and that there was no indication of what would be provided in the attic, and believed it should be included within the overall floor area of the dwelling as it contributes to the massing of the dwelling.

Randy quoted Vincent v. DeGasperis and indicated that the applicant did not adequately demonstrate why the variances should be permitted, and did not provide sufficient evidence that the application met the four tests for Minor Variance.

The agent, Raffi Tashdjian, responded to the concerns related to the ceiling height raised by residents and spoke to the needs of the family for the use of spaces within the proposed house.

Member Sampson reiterated the Committee's previous stance regarding approving variances for floor area above 50%, where 45% is permitted and advised they would not be in support of the application.

Member Yan agreed with Member Sampson's comments regarding the height and floor area proposed.

Member Yan agreed with Elizabeth Brown's comments on the greater impact the building would have as a result of it being located on a corner lot. Member Yan believed the building to be too large and that the applicant should reduce the floor area, and that they would not be in support of the application.

Member Reingold agreed with Members Yan and Sampson, however, noted the potential of the design, and that given the appropriate revisions, could have a positive impact on the neighbourhood.

Acting Chair Gutfreund agreed with the other Member's comments, and believed the floor area and height should be reduced to better fit in with the neighbourhood.

Member Reingold motioned for deferral.

Moved By: Jeamie Reingold

Seconded By: Patrick Sampson

THAT Application No. **A/032/23** be **deferred** sine die.

Resolution Carried

3. A/038/23

Owner Name: 1000183958 Ontario Inc. (Grumeet Minhas)
Agent Name: Zero Degree Studio Inc. (Roy Chan)
41 Galsworthy Drive, Markham
PLAN 4949 LOT 47

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

- a) **By-law 99-90, Section 1.2(i):**
a maximum building height of 10.1 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **By-law 99-90, Section 1.2(iii):**
a maximum depth of 20.68 metres, whereas the By-law permits a maximum of 16.8 metres;
- c) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 53.58 percent, whereas the By-law permits a maximum of 45 percent;

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

The Chair introduced the application.

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

The Committee received three written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee.

Elizabeth spoke to the City's Official Plan policies with respect to infill development, and did not believe the proposal met the four tests of the Planning Act for Minor Variance. Elizabeth indicated that the increases to depth, floor area and height significantly contributed to the massing of the building, and did not believe the application should be approved.

Mary Hampton Smith and Tony DiGiovanni, of 17 Abercorn Road, spoke to the Committee, and agreed with the comments provided by Elizabeth Brown.

Mary Hampton Smith spoke to the reconstruction of their home without the need for variances, and believed that the proposed home was too large, considering the positioning on the lot.

Mary spoke to the depth of the house contributing to the visual massing given its location in proximity to the nearby schoolyard.

Rosemary Haydon, representing the owner of 19 Abercorn Road, spoke to the Committee.

Rosemary indicated their concern for the overlook of the balcony located at the rear of the house, and the privacy issues that arise due to the location and number of windows that would overlook their property.

The agent, Roy Chan responded to the concerns raised by the residents.

Roy confirmed that the building depth was related to the covered front porch and rear covered verandah.

Roy spoke to the current development in the area, and noted that there had been other examples with greater massing approved recently in the area.

Roy spoke to the impacts of the development on the adjacent properties to the north at 19 and 17 Abercorn Road, and believed the design was reasonable and met the four tests for Minor Variance under the Planning Act.

Roy spoke to the arborist report submitted with the application and indicated that only trees on the subject property would be impacted by the development.

Member Gutfreund reiterated that the Committee does not make decisions based on precedent regarding previous Committee approvals.

Member Reingold spoke to the infill within the neighbourhood, and how the original houses are beginning to not fit in with the current neighbourhood characteristics.

Member Reingold appreciated the presentation and design of the proposed house, but believed the house to be too large, despite respecting the side yard setbacks. Member Reingold believed the building should be reduced, and privacy concerns of the neighbourhood addressed.

Member Sampson inquired about the size of the open to above areas within the house.

The agent, Roy Chan, confirmed the area of the open to below areas to be approximately 54 square metres.

Member Sampson believed the open to below areas contributed to significantly to the massing of the building, and could not support the application.

Acting Chair Gutfreund indicated the floor area increase to be 19% above the by-law requirement, and did not believe it to be minor in nature. Acting Chair Gutfreund did appreciate the design efforts of the applicant and the choice to incorporate the second floor into the roof line.

Member Yan indicated they had no issue with the building height. There were concerns about the impact the covered porches would have on the adjacent properties as they related to the requested building depth. Member Yan suggested the applicant make reductions to the proposed plans to address neighbour concerns over the variances.

Member Reingold motioned for deferral.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No. **A/038/23** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:30 pm, and the next regular meeting would be held on May 03, 2023.

CARRIED



Acting Secretary-Treasurer
Committee of Adjustment



Acting Chair
Committee of Adjustment