

Memorandum to the City of Markham Committee of Adjustment

October 17, 2023

File: A/204/22
Address: 4 Grenfell Crescent, Markham
Applicant: David Johnston Architect Ltd. (David Johnston)
Agent: David Johnston Architect Ltd. (David Johnston)
Hearing Date: Wednesday, November 1, 2023

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 49.9 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the September 27, 2023 hearing, for the applicant to address the Committee’s concern over the floor area ratio variance of 52.3% (Refer to Minutes - Appendix “D”). In revising the proposal, the applicant has also eliminated the requested building depth variance. The initial variances requested are identified in the September 18, 2023 Staff Report (Appendix “C”).

COMMENTS

On October 11, 2023, the applicant submitted revised drawings reducing the gross floor area by approximately 18 m² (194.02ft²) from the previous submission, to now propose a floor area ratio of 49.9%. The applicant has not completed a Zoning Preliminary Review for the revised drawings to confirm the requested variances. 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 revised floor area ratio variance will facilitate the construction of a new two-storey detached dwelling with an approximate total gross floor area of 381.27 m² (4,104 ft²). This is an increase of 37.81 m² (407.02 ft²) above the maximum permitted floor area ratio of 45%. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent dwellings, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill development for the neighbourhood.

Staff remain of the opinion that the proposed floor area ratio will not result in an overdevelopment of the site.

PUBLIC INPUT SUMMARY

As of September 26, 2023, the City received fourteen (14) letters of support and one (1) letter of opposition. 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.

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 to 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/204/22

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.

CONDITIONS PREPARED BY:



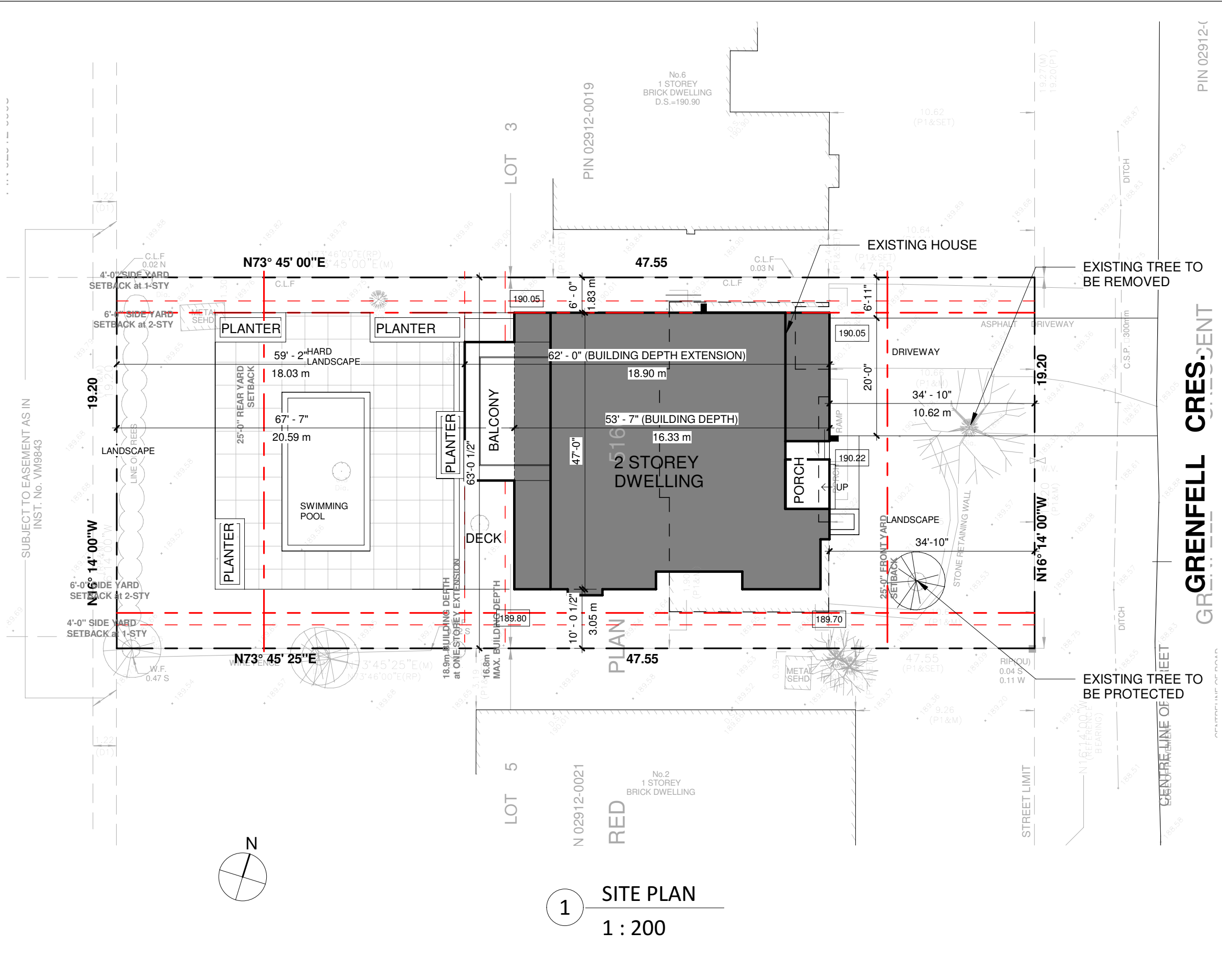
Brashanthe Manoharan, Planner II, East District

Appendix B

File: 22.261873.000.00.MNV

Date: 10/26/23

MM/DD/YY

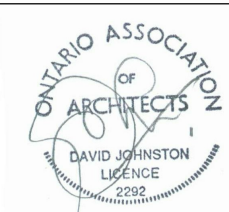


PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



No. 8 Maple Lane
Unionville, ON
L3R 1R2
Phone: (905) 479-9992
Fax: (905) 479-9985



C of A MINOR VARIANCE

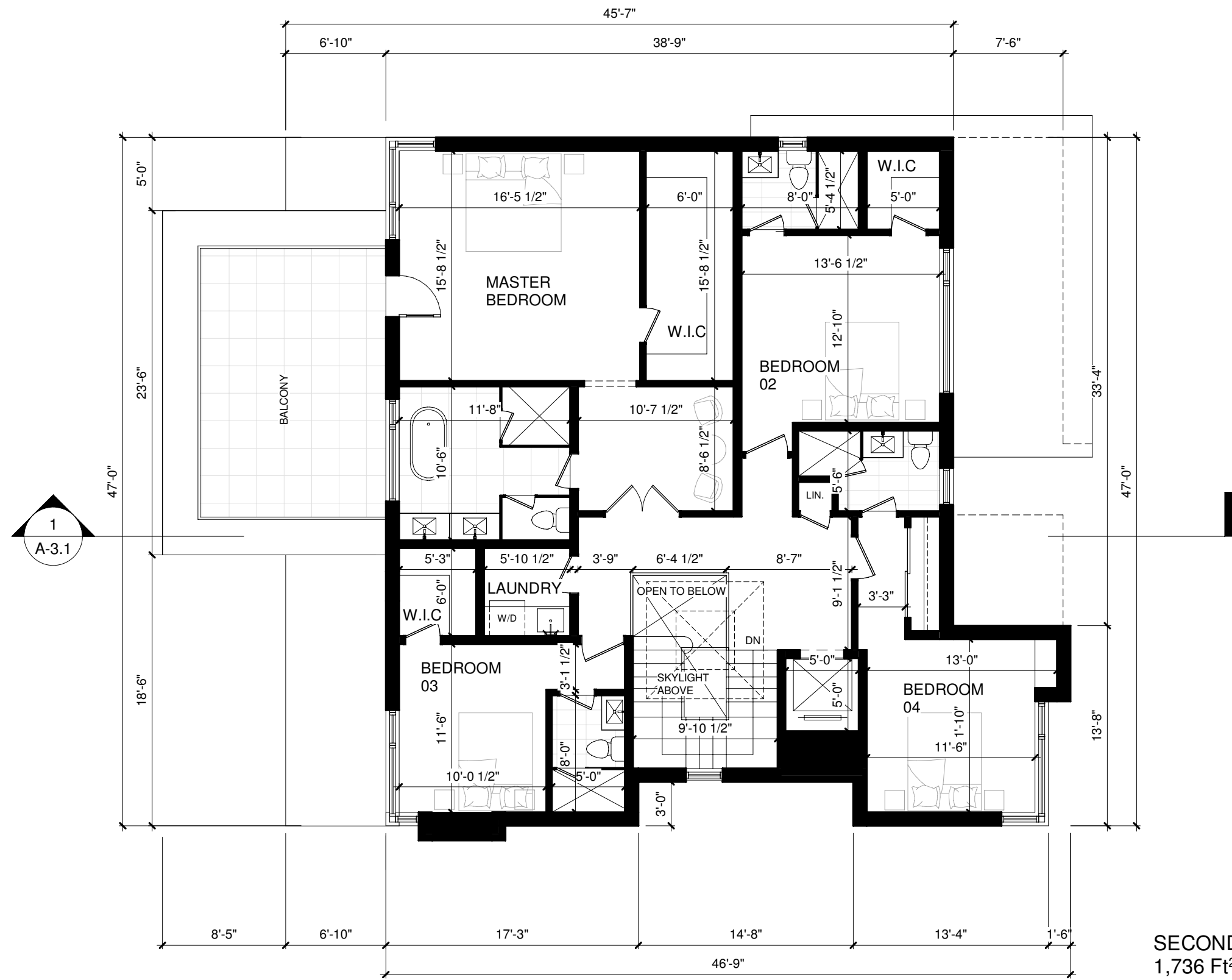
No	Description	Date	By

Drawn by YS
Date 2023-02-02
Scale As indicated
Project Number
DRAWING NAME SITE PLAN
SHEET NUMBER A-1.0

Appendix B

File: 22.261873.000.00.MNV

Date: 10/26/23
MM/DD/YY

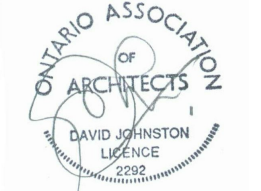


SECOND FLOOR AREA:
1,736 Ft²

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

PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



C of A MINOR VARIANCE

No	Description	Date	By

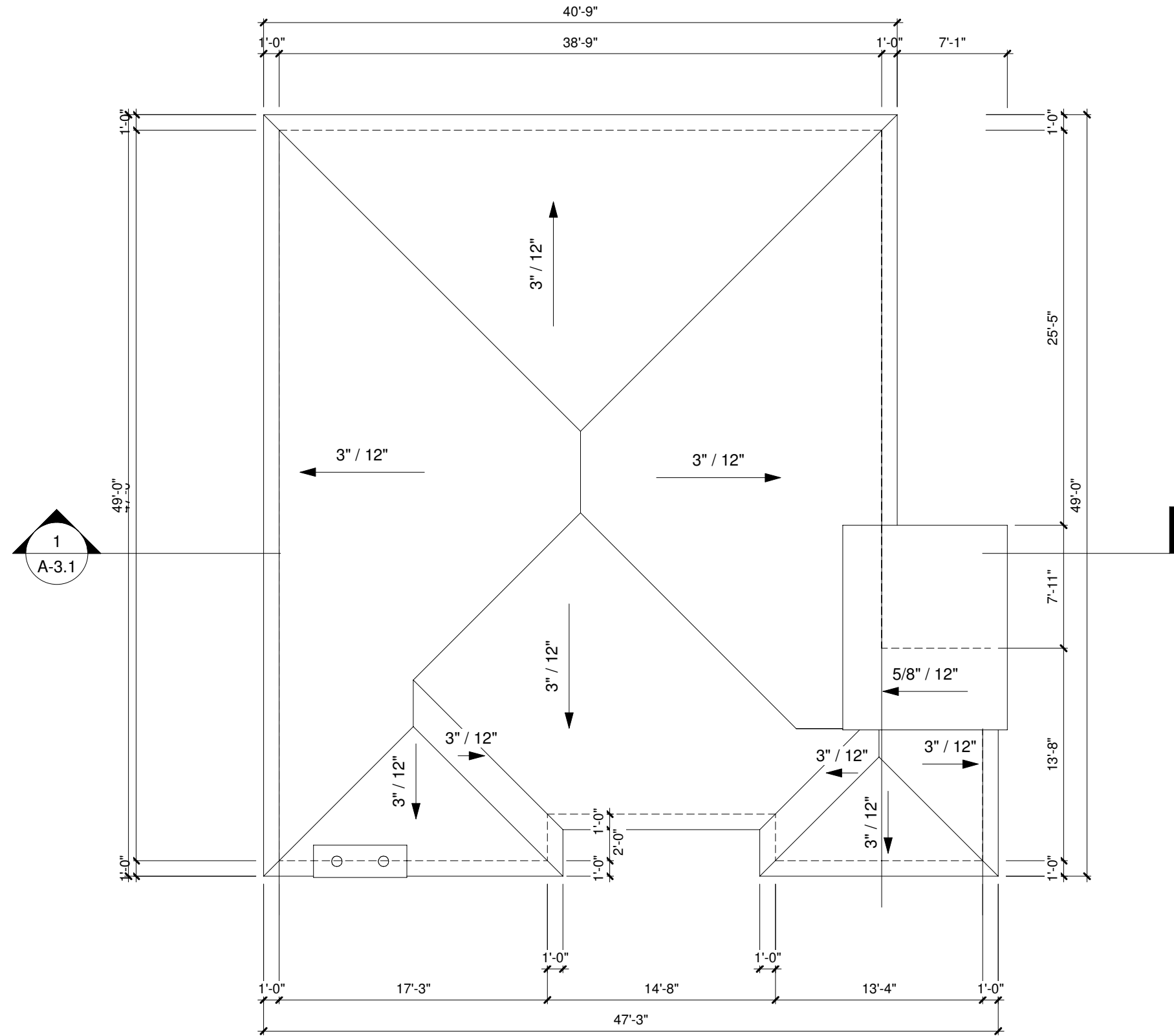
Drawn by YS
Date 2023-02-02
Scale 1/8" = 1'-0"
Project Number
DRAWING NAME SECOND FLOOR PLAN
SHEET NUMBER A-1.2

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Appendix B

File: 22.261873.000.00.MNV

Date: 10/26/23
MM/DD/YY



1 ROOF PLAN
1/8" = 1'-0"

PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.

DAVID JOHNSTON ARCHITECT

No. 8 Maple Lane
Unionville, ON
L3R 1S2
Phone: (905) 479-9992
Fax: (905) 479-9985

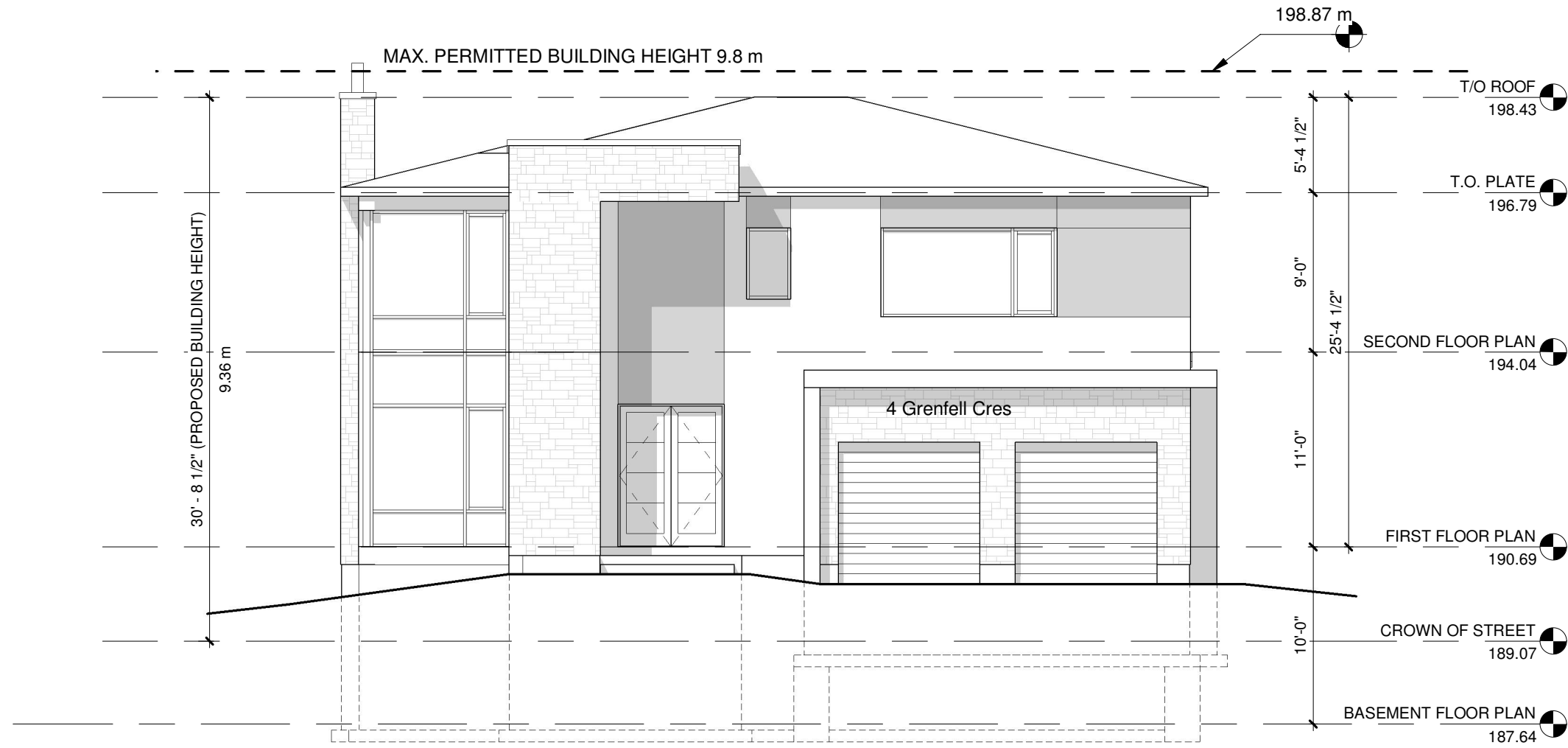
ONTARIO ASSOCIATION
OF ARCHITECTS
DAVID JOHNSTON
LICENCE
2292

C of A MINOR VARIANCE

No	Description	Date	By

Drawn by	Author
Date	2023-02-02
Scale	1/8" = 1'-0"
Project Number	
DRAWING NAME	ROOF PLAN
SHEET NUMBER	A-1.4

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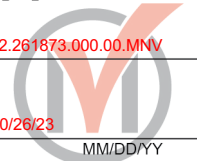


1 EAST ELEVATION - FRONT
 1/8" = 1'-0"

BUILDING HEIGHT:
 THE VERTICAL DISTANCE OF A BUILDING OR STRUCTURE MEASURED BETWEEN THE LEVEL OF THE CROWN (i.e. THE HIGHEST POINT) OF THE STREET AT THE MID-POINT OF THE FRONT LOT LINE AND THE HIGHEST POINT OF THE RIDGE OF PITCHED ROOF.

Appendix B

File: 22.261873.000.00.MNV
 Date: 10/26/23
 MM/DD/YY



CITY OF MARKHAM ePLAN

PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



No. 8 Maple Lane
 Unionville, ON
 L3R 1R2
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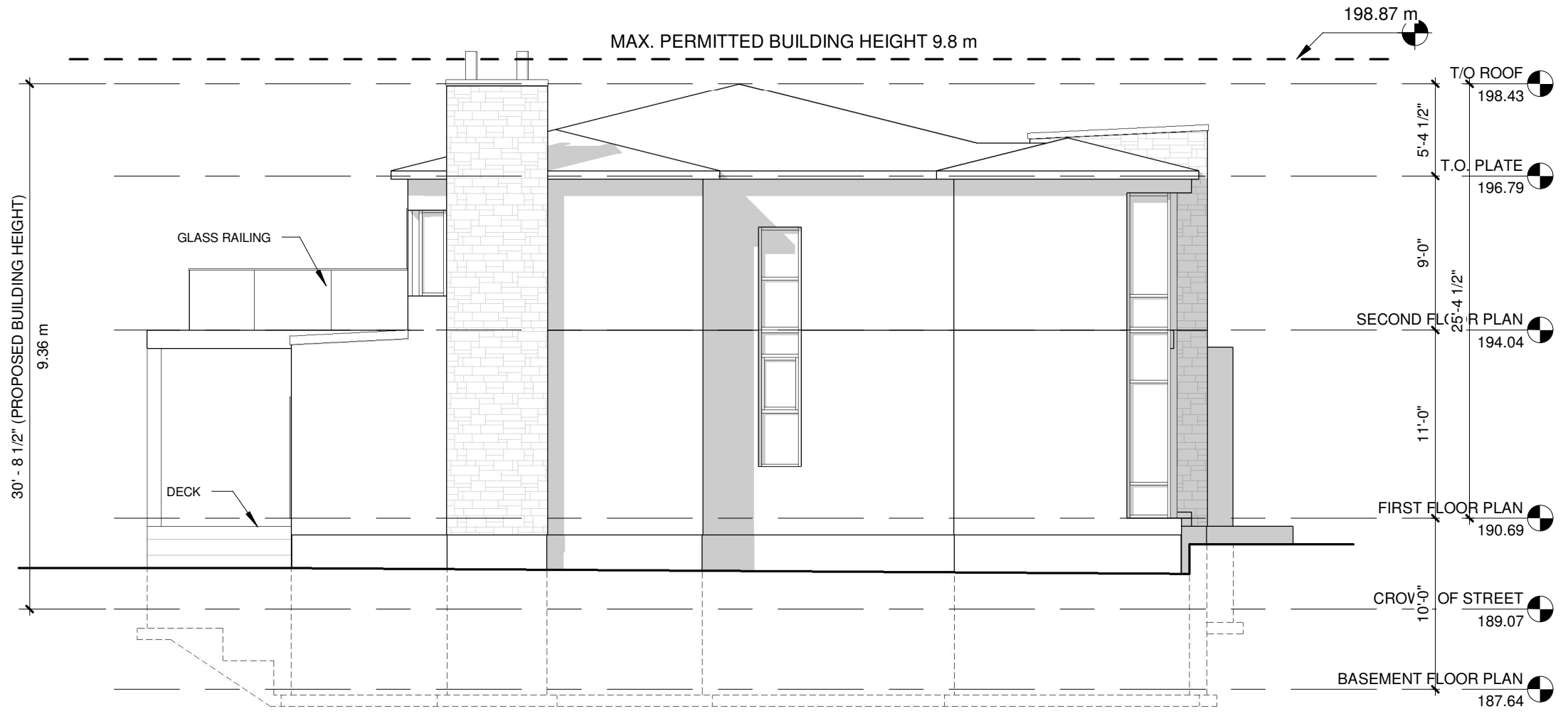
C of A MINOR VARIANCE

No	Description	Date	By

Drawn by YS
Date 2023-02-02
Scale 1/8" = 1'-0"
Project Number
DRAWING NAME EAST ELEVATION
SHEET NUMBER A-2.1

Appendix B

File: 22.261873.000.00.MNV
 Date: 10/26/23
 MM/DD/YY



1 SOUTH ELEVATION
 1/8" = 1'-0"

BUILDING HEIGHT:
 THE VERTICAL DISTANCE OF A BUILDING OR STRUCTURE MEASURED BETWEEN THE LEVEL OF THE CROWN (i.e. THE HIGHEST POINT) OF THE STREET AT THE MID-POINT OF THE FRONT LOT LINE AND THE HIGHEST POINT OF THE RIDGE OF PITCHED ROOF.

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CITY OF MARKHAM ePLAN

PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



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 L3R 1R2
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 Fax: (905) 479-9985



C of A MINOR VARIANCE

No	Description	Date	By

Drawn by
YS
 Date
2023-02-02
 Scale
1/8" = 1'-0"
 Project Number
 DRAWING NAME
SOUTH ELEVATION
 SHEET NUMBER
A-2.2

Appendix B

File: 22.261873.000.00.MNV
 Date: 10/26/23
 MM/DD/YY



1 WEST ELEVATION - REAR
 1/8" = 1'-0"

BUILDING HEIGHT:
 THE VERTICAL DISTANCE OF A BUILDING OR STRUCTURE MEASURED BETWEEN THE LEVEL OF THE CROWN (i.e. THE HIGHEST POINT) OF THE STREET AT THE MID-POINT OF THE FRONT LOT LINE AND THE HIGHEST POINT OF THE RIDGE OF PITCHED ROOF.

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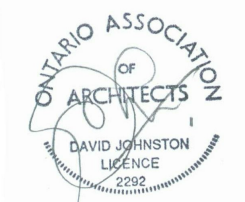
CITY OF MARKHAM ePLAN

PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



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C of A MINOR VARIANCE

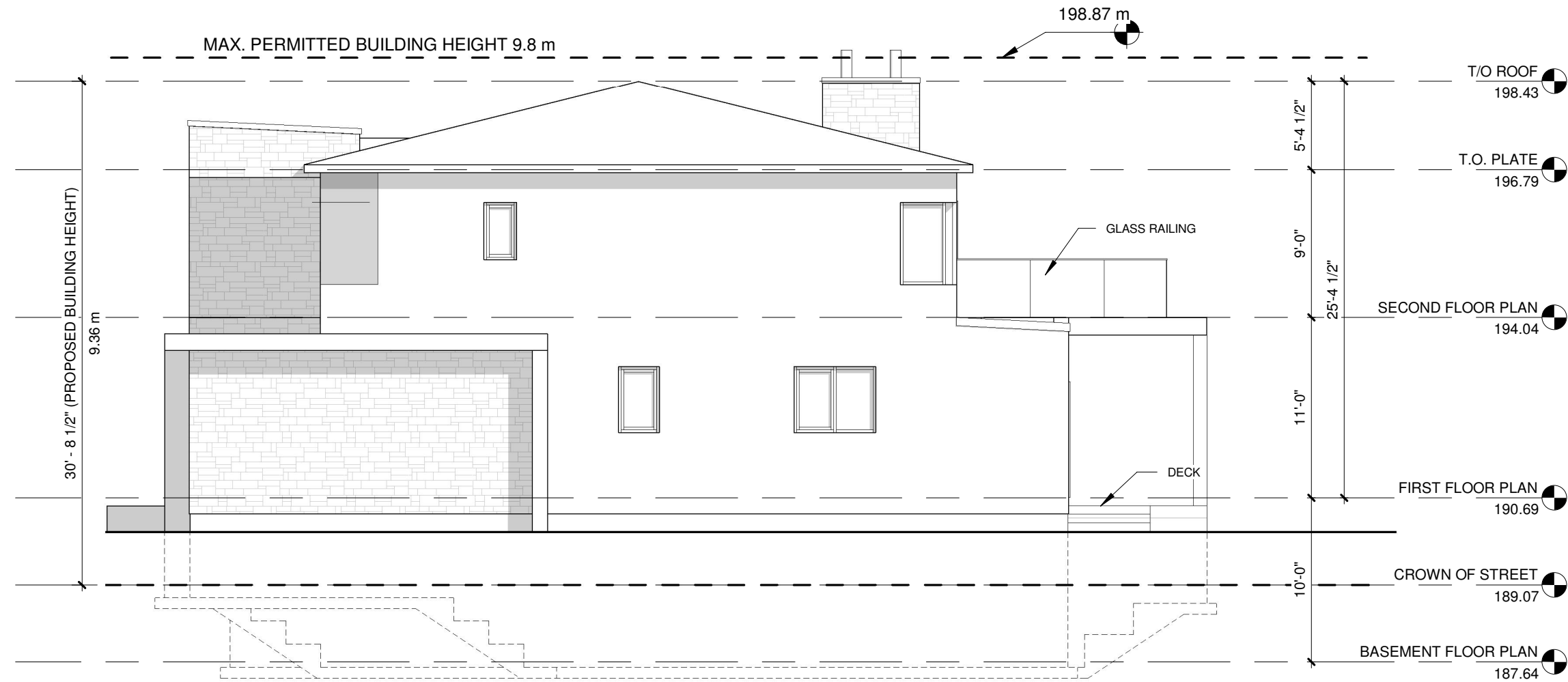
No	Description	Date	By

Drawn by: **YS**
 Date: **2023-02-02**
 Scale: **1/8" = 1'-0"**
 Project Number:
 DRAWING NAME:
WEST ELEVATION
 SHEET NUMBER:
A-2.3

Appendix B

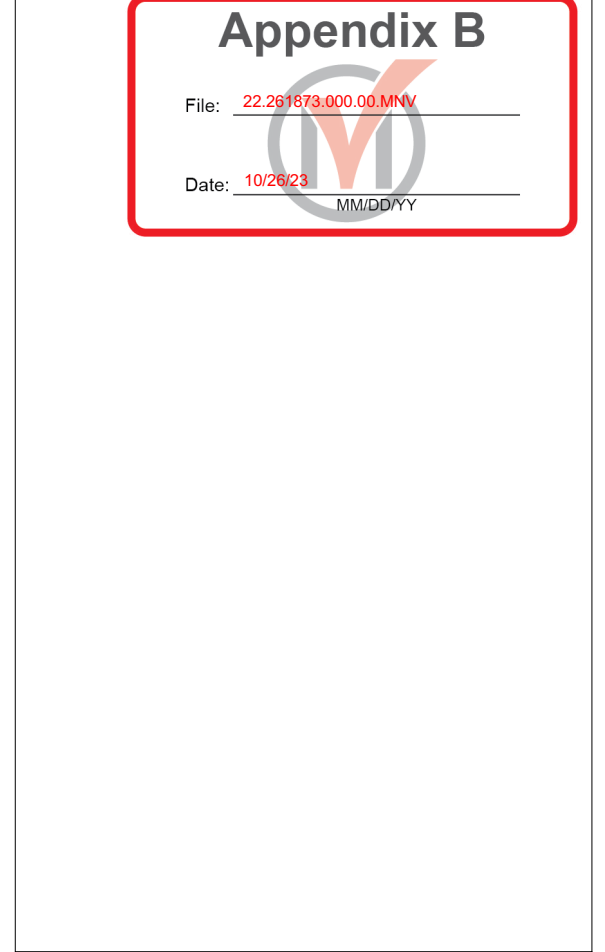
File: 22.261873.000.00.MNV

Date: 10/26/23
MM/DD/YY



1 NORTH ELEVATION
1/8" = 1'-0"

BUILDING HEIGHT:
THE VERTICAL DISTANCE OF A BUILDING OR STRUCTURE MEASURED BETWEEN THE LEVEL OF THE CROWN (i.e. THE HIGHEST POINT) OF THE STREET AT THE MID-POINT OF THE FRONT LOT LINE AND THE HIGHEST POINT OF THE RIDGE OF PITCHED ROOF.



CITY OF MARKHAM ePLAN

PROPOSED TWO-STOREY HOUSE
4 GRENFELL CRES, MARKHAM, ON.

DAVID JOHNSTON ARCHITECT
No. 8 Maple Lane
Unionville, ON
L3R 9S2
Phone: (905) 479-9992
Fax: (905) 479-9985

ONTARIO ASSOCIATION OF ARCHITECTS
DAVID JOHNSTON
LICENCE
2292

C of A MINOR VARIANCE

No	Description	Date	By

Drawn by
YS
Date
2023-02-02
Scale
1/8" = 1'-0"
Project Number
NORTH ELEVATION
DRAWING NAME
NORTH ELEVATION
SHEET NUMBER
A-2.4

Appendix C

File: 22.261873.000.00.MNV

Date: 10/26/23
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment September 18, 2023

File: A/204/22
Address: 4 Grenfell Crescent, Markham
Applicant: David Johnston Architect Ltd. (David Johnston)
Agent: David Johnston Architect Ltd. (David Johnston)
Hearing Date: Wednesday, September 27, 2023

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(ii):**
a maximum depth of 20.14 metres, whereas the By-law permits a maximum depth of 16.80 metres,
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 52.3 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

BACKGROUND

The application was deferred by the Committee of Adjustment (the “Committee”) at the July 12, 2023 hearing, for the application to address Staff’s concerns over encroachments into the minimum tree protection zones for trees located on site.

Property Description

The 912.59m² (9,823.03ft²) subject property is located on the west side of Grenfell Crescent, east of Markham Road and north of Highway 7. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

The property currently contains a one-storey detached dwelling with an attached garage. Mature vegetation exists on the property including two large mature trees in the front yard as well as trees in the rear yard.

Proposal

The applicant is proposing to demolish the existing 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 399.30 m² (4298.02 ft²).

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)” 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 floor area and maximum building depth.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on August 16, 2023. 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. If the variance request in this application contains 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.3 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 399.30 m² (4298.02 ft²) whereas the By-law permits a dwelling with a maximum floor area of 343.45 m² (3,696.97 ft²). This represents an increase of approximately 55.85 m² (601.16 ft²).

Floor Area Ratio 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, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes. which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.14 m (66.08 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 3.34 m (10.96 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing though 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 includes a rear covered balcony which adds approximately 3.35 m (10.99 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.79 m (55.09 ft) which complies with the by-law requirement.

Tree Preservation

Tree Preservation Staff do not have any concerns with the Minor Variance requests and will provide further comments through the City’s RGS Application.

PUBLIC INPUT SUMMARY

As of September 22, 2023, the City received fourteen (14) letters of support. 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.

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 to 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/204/22

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.

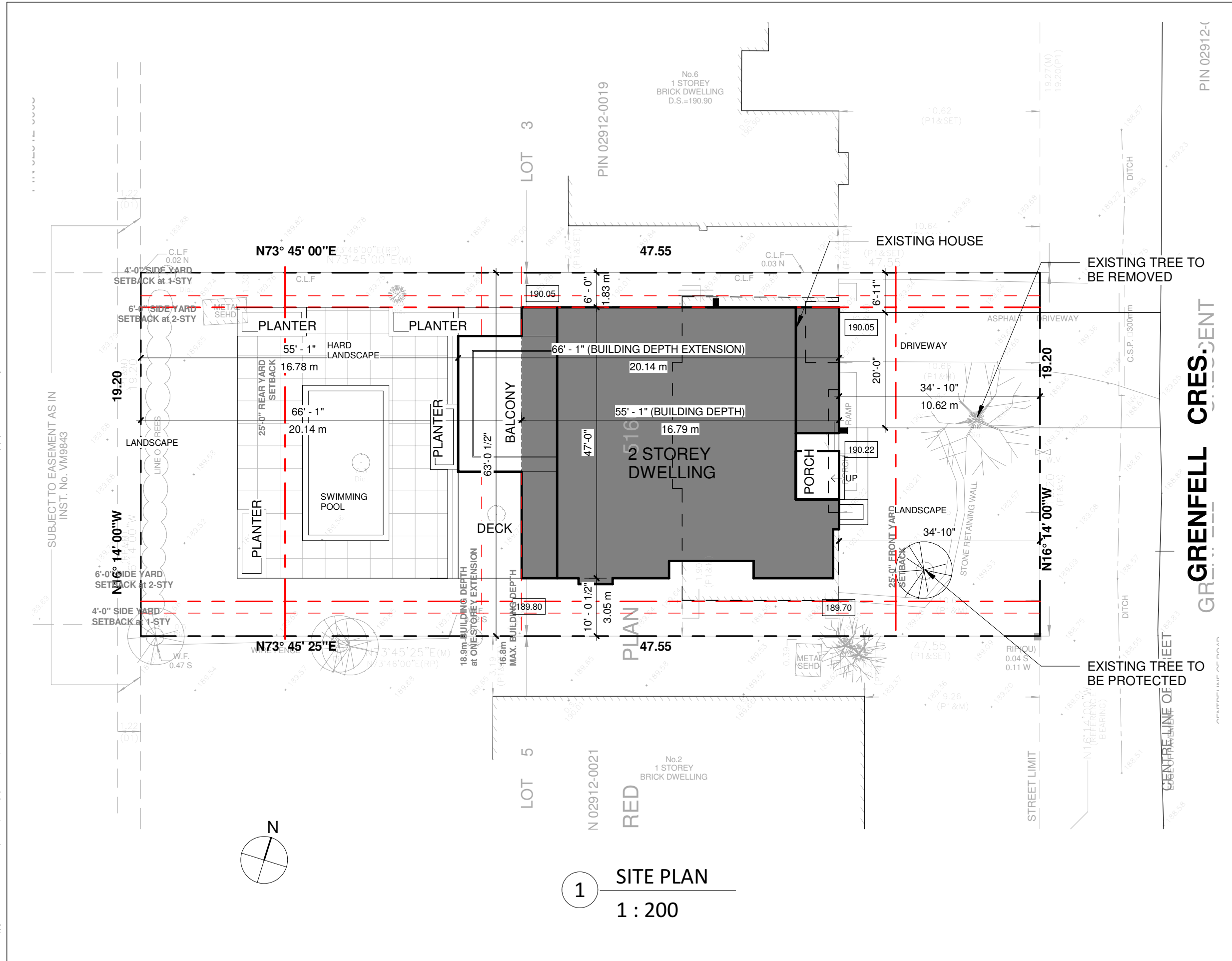
CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

Appendix B

File: 22.261873.000.00.MNV
 Date: 09/22/23
 MM/DD/YY

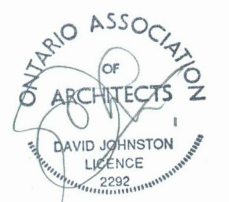


PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



No. 8 Maple Lane
 Unionville, ON
 L3R 1R2
 Phone: (905) 479-9992
 Fax: (905) 479-9985



C of A MINOR VARIANCE

No	Description	Date	By

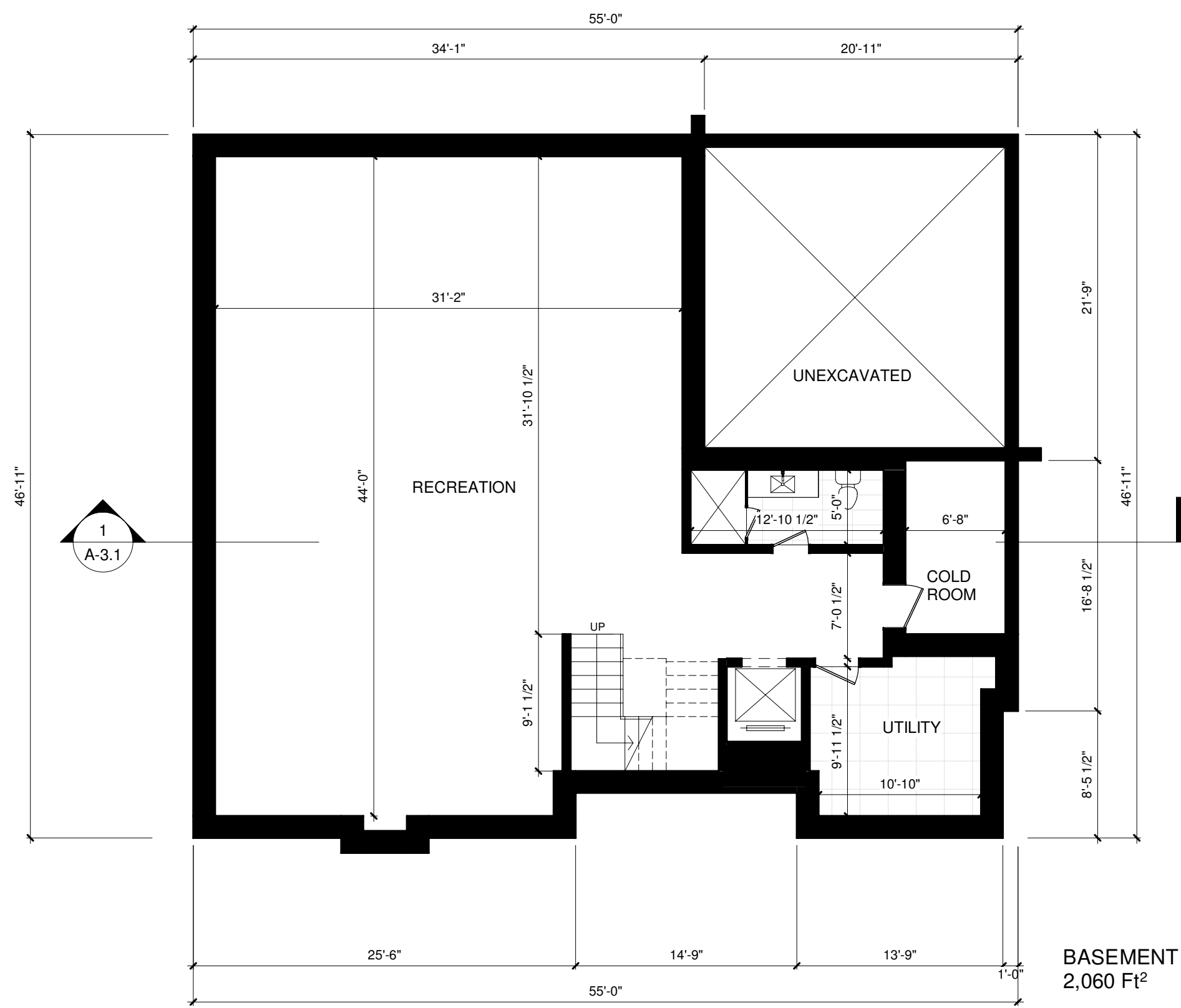
Drawn by YS
Date 2023-02-02
Scale As indicated
Project Number
DRAWING NAME SITE PLAN
SHEET NUMBER A-1.0

1 SITE PLAN
 1 : 200

Appendix B

File: 22.261873.000.00.MNV

Date: 09/22/23
MM/DD/YY



BASEMENT FLOOR AREA:
2,060 Ft²

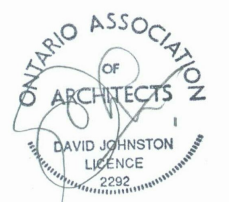
1 BASEMENT FLOOR PLAN
1/8" = 1'-0"

PROPOSED TWO-STOREY HOUSE

4 GRENFELL CRES, MARKHAM, ON.



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C of A MINOR VARIANCE

No	Description	Date	By

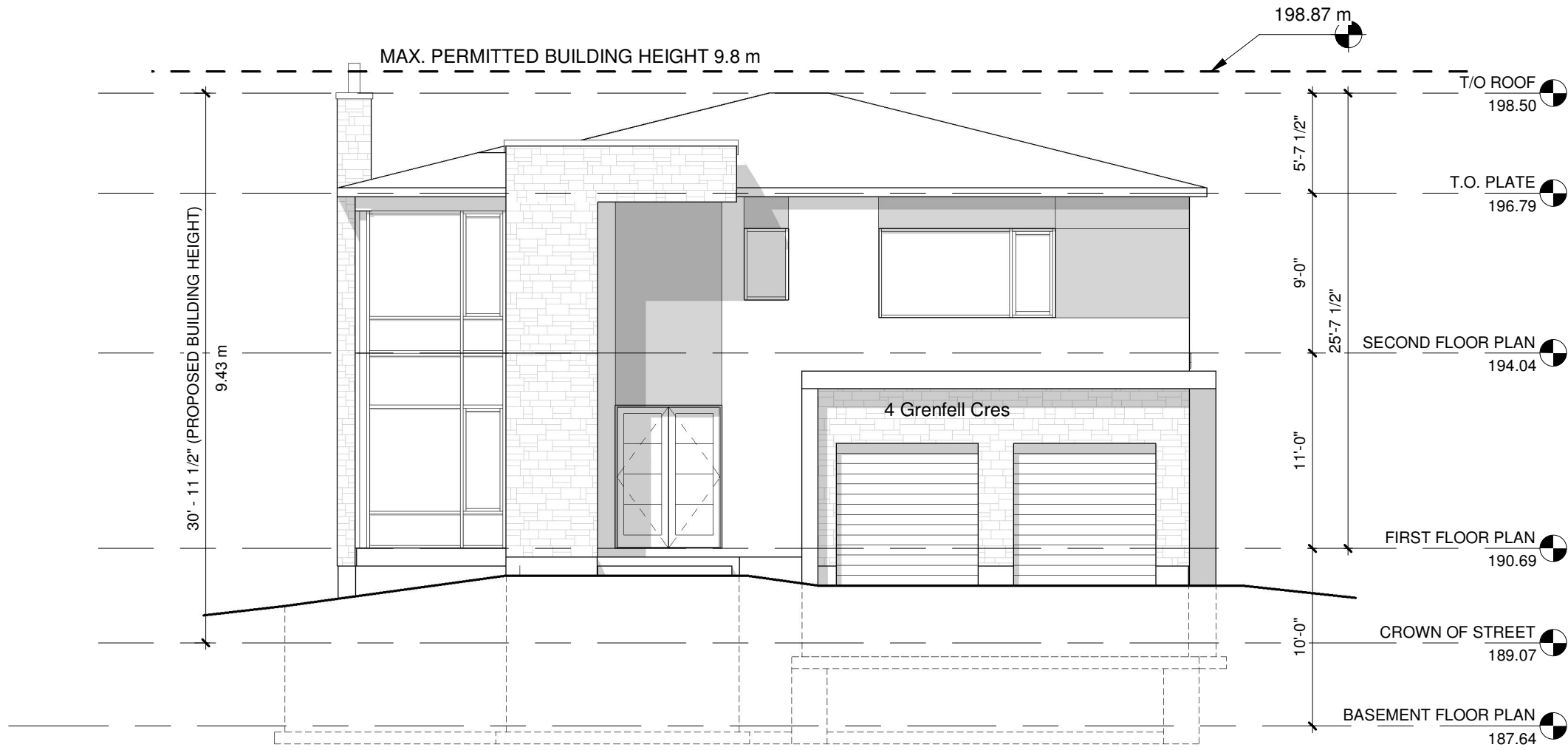
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Date	2023-02-02
Scale	1/8" = 1'-0"
Project Number	
DRAWING NAME	BASEMENT PLAN
SHEET NUMBER	A-1.3

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Appendix B

File: 22.261873.000.00.MNV

Date: 09/22/23
MM/DD/YY



1 EAST ELEVATION - FRONT
1/8" = 1'-0"

BUILDING HEIGHT:

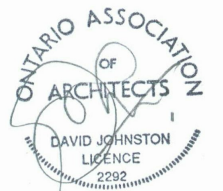
THE VERTICAL DISTANCE OF A BUILDING OR STRUCTURE MEASURED BETWEEN THE LEVEL OF THE CROWN (i.e. THE HIGHEST POINT) OF THE STREET AT THE MID-POINT OF THE FRONT LOT LINE AND THE HIGHEST POINT OF THE RIDGE OF PITCHED ROOF.

PROPOSED TWO-STOREY HOUSE

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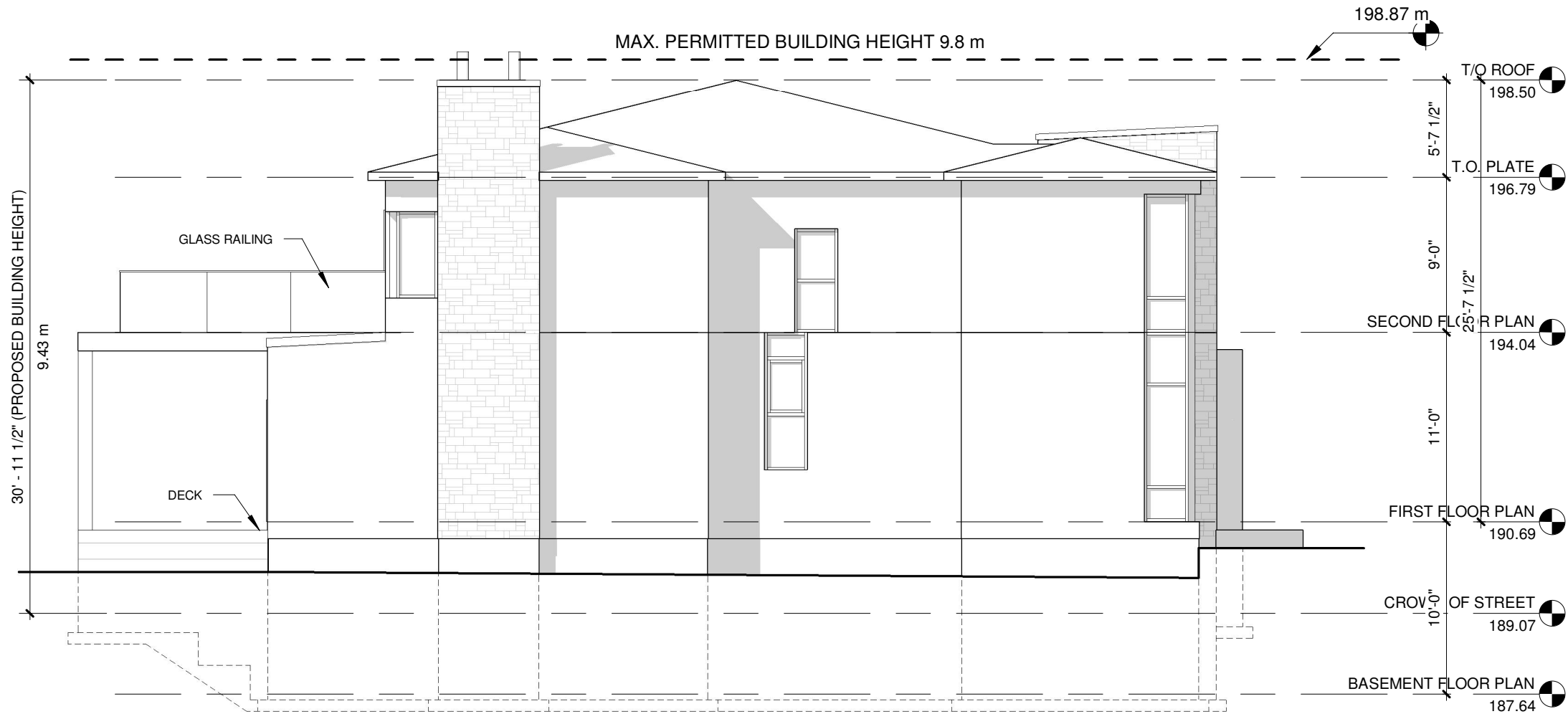
C of A MINOR VARIANCE

No	Description	Date	By

Drawn by	YS
Date	2023-02-02
Scale	1/8" = 1'-0"
Project Number	
DRAWING NAME	EAST ELEVATION
SHEET NUMBER	A-2.1

Appendix B

File: 22.261873.000.00.MNV
 Date: 09/22/23
MM/DD/YY



1 SOUTH ELEVATION
 1/8" = 1'-0"

BUILDING HEIGHT:
 THE VERTICAL DISTANCE OF A BUILDING OR STRUCTURE MEASURED BETWEEN THE LEVEL OF THE CROWN (i.e. THE HIGHEST POINT) OF THE STREET AT THE MID-POINT OF THE FRONT LOT LINE AND THE HIGHEST POINT OF THE RIDGE OF PITCHED ROOF.

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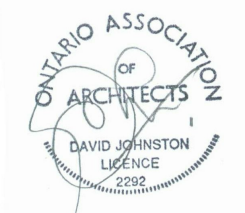
CITY OF MARKHAM ePLAN

PROPOSED TWO-STOREY HOUSE

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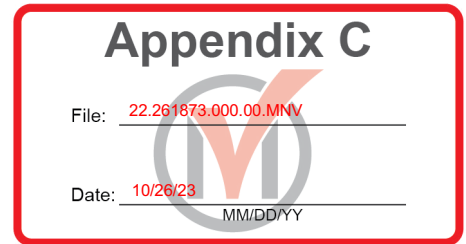
C of A MINOR VARIANCE

No	Description	Date	By

Drawn by **YS**
 Date **2023-02-02**
 Scale **1/8" = 1'-0"**
 Project Number
 DRAWING NAME
SOUTH ELEVATION
 SHEET NUMBER
A-2.2



CITY OF MARKHAM
Virtual Meeting on Zoom



September 27, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 17th 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

Gregory Knight	7:08 pm
Tom Gutfreund Acting Chair	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Kelvin Kwok	7:06 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Erin O'Sullivan, Development Technician

Regrets

None

DISCLOSURE OF INTEREST

None

Minutes: September 13, 2023

THAT the minutes of Meeting No. 16, of the City of Markham Committee of Adjustment, held September 13, 2023 respectively, be:

- a) Approved on September 27, 2023.

Moved By: Arun Prasad
Seconded By: Jeamie Reingold

Carried

VALIDATION OF TITLE

1. B/036/23

Owner Name: Qian Liu and Yi Yan Ling
Agent Name: David Chan
46 and 48 Hughson Drive, Markham
PLAN 4556 LOT 20 65R38298 PART 1 and
PLAN 4556 LOT 20 65R38298 PART 2

The owners requested a Certificate of Validation to address a contravention under the Planning Act.

The Chair introduced the application.

The agent, Michele Pearson, appeared on behalf of the application.

Acting Chair asked about the garage shown on the R-Plan. Michele indicated that the house had been demolished.

Member Yan indicated the application was technical and met the criteria of Section 57 of the *Planning Act* and motioned for approval.

Moved By: Sally Yan
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/036/23** be **approved**.

Resolution Carried

NEW BUSINESS:

1. A/162/22

Owner Name: Salford Developments (Daniel Durigon)
Agent Name: Linda Okum
Cachet Woods Court, Markham
PLAN 65M4414 BLK 1

The applicant was requesting relief from the requirements of by-law 165-80, as amended, to permit:

- a) **By-law 165-80, Section 6.10.5.2 (f):**

a minimum gross ground floor area of 899 square metres for Office Building 1, whereas the by-law requires 1400 square metres per building;

b) Parking By-law 28-97, Table B:

196 parking spaces until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing, at which point a minimum of 210 parking spaces shall be provided, whereas the by-law requires a requires 267 parking spaces onsite;

c) By-law 165-80, Section 4.5.1 and Section 4.5.2:

16 Drive-in loading spaces, whereas the by-law requires 5 Loading spaces at 3.6 metres wide by 12.0 metres long by 4.2 metres high clearance;

d) By-law 165-80, Section 5.2.(e):

a distance of 6.0 metres between two buildings, whereas the by-law requires 12.0 metres; and

e) By-law 165-80, Section 4.7.1(b):

a 0.0 metre landscape strip immediately abutting the existing (cul-de-sac) street line, until such time as Cachet Woods Court is reconstructed and extended to the Region's mid-block crossing; whereas, the by-law requires a minimum of 6.0 metres immediately abutting the (Cachet Woods) street line;

as it related to a proposed office building and two industrial buildings on a vacant lot.

This application was related to Site Plan Control application 21 136872 SPC.

The Chair introduced the application.

Daniel Durigon of Salford Developments appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Member Kwok requested details regarding the parking variance as it related to the Regional flyover.

Daniel Durigon indicated that the project had been redesigned in relation to a TRCA setback. The Regional road project was underway; however, the construction timelines did not line up with the proposed site development timelines, and as a result, the parking variance indicated in variance "b)" was required until the conclusion of construction of the projects.

Member Reingold inquired regarding the type of businesses that would occupy the site.

Member Yan noted that a number of the variances were technical items related to the site plan and requested further information regarding how the drive-in loading spaces would be used.

Daniel Durigon explained that restrictions related to the TRCA setback required changes from traditional loading spaces to drive-in loading spaces with multifunctional doors and noted that staff had supported the change through site plan approval.

Member Yan motioned for approval with conditions.

Moved By: Sally Yan
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/162/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/137/23

Owner Name: Celestino Morra and Angelica Cedrone-Morra
Agent Name: Gerry Morra
52 Jondan Crescent, Thornhill
PLAN M1345 LOT 41

The applicant was requesting relief from the requirements of By-law 2489, as amended, to permit:

- a) **By-law 2489, Section 3.7:**
a front yard unenclosed roofed porch encroachment of 80 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required front yard setback;
- b) **By-law 2489, Section 3.7:**
a front yard hip roof eaves encroachment of 20 inches, whereas the by-law permits a maximum encroachment of 18 inches;

as it related to a proposed covered front porch.

The Chair introduced the application.

The agent, Anthony Bartilloni, appeared on behalf of the application.

Member Reingold agreed with the staff report indicating the application was minor and met the four tests of the Planning Act and motioned for approval with conditions.

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/204/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/124/23

Owner Name: Anthony Boccia
Agent Name: Sakora Design Inc. (Marco Razzolini)
179 Clark Ave, Thornhill
PLAN 2368 PT LOT 42 RS64R2898 PART 1

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

- a) **Amending By-law 2237, Section 1.2 (i):**
a maximum building height of 9.43 metres, whereas the by-law permits a maximum height of 8.6 metres;
- b) **Amending By-law 2237, Section 1.2 (iv):**
a maximum building depth of 22.69 metres, whereas the by-law permits a maximum building depth of 16.80 metres;
- c) **By-law 2237, Section 3.7:**
a west side yard window well encroachment of 21 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required side yard setback;
- d) **By-law 2237, Section 6.1:**
an east side yard setback of 1.24 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres; and
- e) **By-law 2237, Section 6.1:**
a west side yard setback of 1.27 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres;

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

Member Reingold asked the agent to justify the requested side yard setbacks.

Marco Razzolini indicated that the required 1.8 metres setback was for the second-floor portion of the building only, and the request had been made to facilitate the construction of the dwelling and meet the owner's living requirements.

The Acting Chair noted several letters of support from neighbours and asked if the immediate neighbours had been contacted. The agent indicated that they had reached out to the immediate neighbours; however, they were not available.

Member Knight noted that engineering had not opposed the proposed setbacks and requested confirmation that the window wells had been included in the engineering reviews.

Marco Razzolini confirmed the review of the window well setbacks by engineering and indicated that the setbacks would meet the requirements of the Building Code. Additionally, Marco indicated that the current structure had setbacks of 1.5 metres and that 1.2 metres was a common setback request for new infill development within the Regional context.

Greg Whitfield confirmed that the 1.8 metre setback applied only to the second-storey portion of the house, and a setback of 1.2 metres was permitted for the first-storey portion of the dwelling.

Member Knight motioned for approval with conditions.

Moved By: Greg Knight
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/124/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

PREVIOUS BUSINESS

1. A/204/22

Owner Name: Vanessa Locilento
Agent Name: David Johnston Architect Ltd. (David Johnston)
4 Grenfell Cres, Markham
PLAN 5160 LOT 4

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(ii):

a maximum depth of 20.14 metres, whereas the by-law permits a maximum depth of 16.80 metres;

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

a maximum floor area ratio of 52.3 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

The Chair introduced the application.

The agent, David Johnston, appeared on behalf of the application, indicating they were the project's second architect. They had worked diligently with planning and forestry staff to overcome obstacles associated with the project and had received support from eight neighbours. David spoke to the policies in the proposed Comprehensive Zoning by-law, indicating that the house would comply with the new standards.

The Committee received nine written pieces of correspondence.

The Acting Chair reminded the applicant and the Committee that the new Comprehensive By-law had yet to be approved and the application merits had to be assessed under the in force and effect by-law.

Member Knight observed that the scale and massing were greater than generally accepted by the Committee.

The Acting Chair indicated that the requested floor area ratio request was greater than usually accepted by the Committee with an approximate 16.2 percent increase and did not consider the request minor.

Member Yan supported their colleague's comments that the application had to be assessed on its merits under the existing by-law, indicating that the proposal was desirable but could not be considered minor as it exceeded the size and scale generally approved by the Committee.

Member Prasad agreed with the other Committee members and recommended a deferral to allow the applicant to revise the proposal.

David Johnston agreed to the deferral.

Member Prasad motioned for deferral.

Moved By: Arun Prasad
Seconded By: Patrick Sampson

THAT Application No. **A/204/22** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 7:49 pm,
and the next regular meeting would be held on October 18, 2023.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Acting Chair
Committee of Adjustment