



CITY OF MARKHAM
Virtual Meeting on Zoom

May 4, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 8th regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

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

Hussnain Mohammad, Acting Secretary-Treasurer
Bradley Roberts, Manager, Zoning and Special Projects
Aaron Chau, Development Technician, Zoning and Special Projects

Regrets

Arun Prasad
Patrick Sampson

DISCLOSURE OF INTEREST

None

Minutes: April 20, 2022

THAT the minutes of Meeting No. 07 of the City of Markham Committee of Adjustment, held April 20, 2022, respectively, be

- a) Approved as submitted, on May 4, 2022

Moved By: Jeannie Reingold
Seconded By: Kelvin Kwok

Carried

PREVIOUS BUSINESS

1. A/193/21

**Owner Name: Patrick Lam
Agent Name: Z Square Group (Mengdi Zhen)
33 Alanadale Avenue, Markham
PLAN 5810 LOT 23**

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

- a) **Section 11.2 (c)(i):**
an encroachment of 110.50 inches of basement walkout stairs into the rear yard, whereas the By-law permits a maximum of 18.0 inches;
- b) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.68 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

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

The Secretary-Treasurer introduced the application.

The agent, Mengdi Zhen, appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Drive, notes that the maximum floor area ratio has been modified to under 50 percent, however highlights that the subject property is a small lot size proportionate to the massing and elements proposed resulting in more impact to the existing character of the neighbourhood.

Committee member Tom Gutfreund acknowledges the concerns raised by committee and others during the initial meeting and understands the concerns surrounding massing and the open to below. However, Committee member Tom Gutfreund states the open to below will not be visible at the front of the property, and the elements provided are an example of a reasonable property. Committee member Tom Gutfreund states the lot is 60 feet wide and the massing is proportionate to the lot size. Committee member Tom Gutfreund states the applicant has made measures to reduce the floor area ratio to address committee concerns and overall supports the proposal, and the application is minor in nature.

Committee member Jeamie Reingold supports Committee member Tom Gutfreund and states the architectural features provide relief to reduce massing impacts. Committee member Jeamie Reingold finds the proposal reasonable and supports the application.

Committee member Sally Yan states the proposed building is compatible with the scale and massing of the existing street. The open to below is at the side and at the rear and this results in little impact to the front. The proposed building has nice architectural details and states it does not appear massive. The details help to balance the look on the existing street and the two variances requested are minor in nature and supports the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No **A/193/21** be approved subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. **A/156/21**

Owner Name: Penny Geffen
Agent Name: Davey Does It (Matthew Davey)
21 Innisbrook Crescent, Thornhill
PLAN M1751 LOT 207

The applicant is requesting relief from the requirements of By-law 151-75 as amended, to permit:

- a) **Deck By-law 142-95, Section 2.2 (b) (I) Maximum Projection:**
a 3.66 meters deck projection, whereas the By-law permits a maximum deck projection of 3.0 meters;

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

The Secretary-Treasurer introduced the application.

The agent, Mathew Davey, appeared on behalf of the application.

Committee member Tom Gutfreund believes the application meets the four tests and supports the application.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

THAT Application No **A/156/21** be approved subject to conditions contained in the staff report.

Resolution Carried

2. A/001/22

Owner Name: Neil Alfred
Agent Name: Neil Alfred
82 Morgan Avenue, Thornhill
PLAN 2426 LOT 75

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

- a) **Infill By-law 101-90, Section 1.2 (i):**
a maximum height of 9.14 metres, whereas the By-law permits a maximum height of 8.60 metres;
- b) **Infill By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 51.66 percent, whereas the By-law permits a maximum floor area ratio of 50.0 percent;
- c) **Section 6.1:**
a minimum front yard setback of 6.70 metres, whereas the By-law requires a minimum front yard setback of 8.23 metres;

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

The Secretary-Treasurer introduced the application.

The agent, Neil Alfred, appeared on behalf of the application.

Committee member Sally Yan asks the agent for a presentation to clarify the revisions made.

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Neil Alfred, presents and states that the initial variances being sought were two variances regarding building height and floor area ratio. However, TRCA provided comments stating that proposed building to be appropriate setback from the floodplain that exists on the lot.

Yalin Zhao of 80 Morgan Avenue, states there are concerns the proposed house is approximately 2 metres extended towards the street resulting in degradation and obstructing views. The proposed property is requesting a height increase which blocks the view from the east side where there is only one window, which will heavily obstruct views and loss of sunlight. Mr. Zhao also requests for a pre-construction survey, vibration noise monitoring and dust control measures.

Committee member Jeamie Reingold states that the front yard setback will profoundly affect the streetscape and highlights the setback be maintained with the mid-century homes adjacent to the subject property. TRCA states that the house is not within the floodplain, and therefore the property can be pulled back and emphasizes that the front yard setback is critical to be maintained to respect the character and aesthetic of the existing streetscape.

Committee member Tom Gutfreund questions if the proposed house will be setback further from the street. However, does not have any concerns with the front yard setback as it will be further away from the street. The floor area ratio is minor in nature and the height is within a reasonable tolerance. The aerial photo shows there are two houses on the same street that have the same setback. By moving the proposed house further back will bring it in line with the street patterns. Committee member Tom Gutfreund finds the application to meet the four tests and supports the application.

Chair Gregory Knight asks the agent for more clarification and requests if plans can be provided that shows the front setback of the proposed house in comparison with the adjacent properties and the existing structure.

The agent, Neil Alfred presents a survey, and states that TRCA does not allow a house to be built at the level of 164.55 metres above sea level.

Chair, Gregory Knight asks for a visual of the front wall of the existing structure.

Manager of Zoning & Special Projects Brad Roberts states that according to the provided survey the house municipally addressed as 80 Morgan Avenue is setback 7.70 metres. The proposed house at 82 Morgan Avenue is setback 6.60 metres which is 1 metre in front of Mr. Zhao's house.

Chair, Gregory Knight asks if that is enough clarity on that particular item? Jamie and Tom?

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Committee member Tom Gutfreund, reiterates that the proposed house will be set further back and as mentioned the difference is only one metre. Committee member Tom Gutfreund is happy with the proposal and supports the application.

Committee member Jeamie Reingold, states new infill development is larger than the By-law allows and in this case every metre matters. After reviewing the TRCA report, there is no reason at all as it is established by TRCA, that the property is not within the floodplain. There is no reason to move it forward more than the adjacent properties and does not think there are grounds for comparison. Would like to see the front yard setback to be closer to the By-law or at the By-law.

Chair, Gregory Knight clarifies the TRCA comments that with the revised plan was outside of the floodplain, however if he is to push it back then it would go into the floodplain. The TRCA is saying as those plans currently are, it is not a problem however if the proposed house was pushed back another metre then it is within the floodplain. That is the problem and the reason why the house is being proposed forward to the street. The only way to maintain the rear yard setback and move the front wall is to restrict the size of the house. The rear wall is fixed.

Committee member Kelvin Kwok, agrees with the Staff Report and comments provided by TRCA and understands that the alternative siting of the dwelling properly addresses the TRCA comments. Committee member Kelvin Kwok also further agrees with Committee member Tom Gutfreund when looking at the streetscape, there is almost a standard where everyone is at a similar front yard setback. Reviewing the variances, Committee member Kelvin Kwok believes this is minor in nature and supports the application. .

Chair, Gregory Knight clarifies the house will not sit where the existing is, it will be one metre in front of your house.

Yalin Zhao of 80 Morgan Avenue, does not agree and highlights why By-laws exist.

Chair, Gregory Knight emphasizes the purpose of this committee is to hear variances to the By-law. The Building Department, through the course of the development will require a survey when they do their footings to ensure that they are poured and placed and that the building has begun to be built in accordance with the plans that are approved here today. Vibration and dust control are addressed through property standards.

Committee member Sally Yan, comments given the the site constraints, we are dealing with an infill that's based on the current regulations with respect to TRCA and CN railway setbacks. The applicant has very little flexibility in terms of where they could actually cite their dwelling given the requirements. The variances requested are minor and the overall requirements from the other agencies and city departments makes this a lot more complicated. I appreciate Mr. Zhao's comments and it is very difficult having to deal with new infill where you are trying to maximize building newer

houses. The existing dwelling is a small bungalow, and it's an older dwelling, so you're enjoying the benefits of what was built many, many years ago and so unfortunately, you're dealing with the new requirements with the city and some of the Zoning By-laws are older and they need to be updated. However, this is a very specific application, where it has got site constraints. I would support the application as well in terms of the fact that it's going to go through another layer process with TRCA and also addressing the setbacks for the railway and requirements for the city. I will support the application as well and it meets the four tests of the Planning Act and is minor in nature.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

THAT Application No **A/001/22** be approved subject to conditions contained in the staff report.

Resolution Carried

3. A/019/22

Owner Name: Devron Developments (Adrienne Van)

Agent Name: Devron Developments (Adrienne Van)

7089 Yonge Street, Thornhill

PLAN 2446 PART BLK A

The applicant is requesting relief from the requirements of By-law 2337, as amended to permit:

a) **Parking By-law 28-97, Section 6.1.2(a):**
6 parking spaces 100 mm short, whereas the By-law requires 5.8 m in length;

b) **Parking By-law 28-97, Section 6.1.2(a):**
1 parking space 400 mm short, whereas the By-law requires 5.8m in length;

as it relates to parking space dimensioning standards for a proposed 27-storey mixed-use residential development. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent, Andrew Murphy, appeared on behalf of the application.

Committee member Kelvin Kwok, notes a bollard that has to be relocated and asks if the agent can move it or will require another variance for one parking stall.

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The agent, Andrew Murphy responds there are no concerns with the bollards being removed and relocated. It being located in a parking space to begin with, however with discussions with the contractor, we can fulfill the requirements laid out in the conditions.

Committee member Kelvin Kwok, supports the application pending other comments.

Committee member Sally Yan, agrees this is a minor variance, however is concerned with the width. Questions, if the parking spaces are applied to the residential or non-residential for the proposal.

The agent, Andrew Murphy responds these are non-residential parking spaces, all required under the By-law for the non-residential component.

Committee member Sally Yan, states there would be more turning movements because it is not residential.

Chair, Gregory Knight asks how many parking spaces there are in this development overall?

The agent, Andrew Murphy responds with 341.

Moved By: Jeannie Reingold
Seconded By: Kelvin Kwok

THAT Application No **A/019/22** be approved subject to conditions contained in the staff report.

Resolution Carried

4. B/004/22

Owner Name: ANDREW WAI CHUNG IP
Agent Name: STEP Design Studio Inc. (Stepan Sukiasyan)
16 Riverview Avenue, Markham
PLAN 4365 LOT 17

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot area of 732.61 sq m and lot frontage of 24.23 m;
- b) retain a parcel of land with an approximate lot area of 737.28 sq m and lot frontage of 24.38 m.

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This serves as a re-application for consent B/005/20, which was approved by the Committee of Adjustment but lapsed due to unfulfilled conditions of approval. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The owner, Andrew Ip, appeared on behalf of the application.

Committee member Tom Gutfreund, states this is a technical matter and believes it meets the four tests and supports the application for approval.

Moved By: Tom Gutfreund

Seconded By: Sally Yan

THAT Application No **B/004/22** be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund

Seconded by: Kelvin Kwok

THAT the virtual meeting of the Committee of Adjustment be adjourned at 8:00 pm, and the next regular meeting will be held on May 25, 2022.

CARRIED

Hussnain Mohammad

Acting Secretary-Treasurer
Committee of Adjustment

Greg Krzyt

Chair
Committee of Adjustment