



CITY OF MARKHAM
Virtual Meeting on Zoom

August 10, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 14th 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
Sally Yan	7:00 PM
Patrick Sampson	7:00 PM
Jeamie Reingold	7:04 PM

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Aaron Chau, Development Technician, Zoning and Special Projects

Regrets

Arun Prasad
Kelvin Kwok

DISCLOSURE OF INTEREST

Minutes: July 20, 2022

THAT the minutes of Meeting No. 13, of the City of Markham Committee of Adjustment, held July 20, 2022, respectively, be:

- a) Approved on August 10, 2022.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

Carried

REQUEST FOR DEFERRAL:

1. B/002/22

**Owner Name: Old Village Construction (Graham & Mary Dewar)
Agent Name: David Johnston Architect Ltd. (David Johnston)
28 Station Street, Markham
CON 7 PT LOT 13**

The applicant was requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate lot frontage of 23.78 meters (78.01 feet) and an approximate lot area of 485.38 square meters (5224.58 square feet);
- b) Retain a parcel of land with an approximate lot frontage of 23.78 meters (78.01 feet) and an approximate lot area of 456.73 square meters (4916.20 square feet);

The purpose of this application was to develop the land to hold two single detached dwellings: (1) the existing heritage house fronting Station Street, and (2) the proposed dwelling fronting Backus Court.

(Heritage District, Ward 4)

This application was related to Minor Variance Applications A/088/22 and A/089/22, which were reviewed concurrently.

The Chair brought forward the request for deferral.

The agent David Johnson and was in attendance and indicated that they were aware of the request and agreed with the deferral.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson

Seconded By: Tom Gutfreund

THAT Application No **B/002/22** be **deferred** sine die.

Resolution Carried

2. A/088/22

**Owner Name: Old Village Construction (Graham & Mary Dewar)
Agent Name: David Johnston Architect Ltd. (David Johnston)
28 Station Street, Markham**

CON 7 PT LOT 13

The applicant was requesting relief from the requirements of By-law 153-80 as amended, to permit:

a) By-law 153-80, Section 7.2(b):

A front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters;

b) By-law 153-80, Section 7.2(b):

A rear yard setback of 2.4 meters, whereas the By-law requires a minimum of 7.5 meters.

as it related to a proposed detached dwelling on the retained lot.
(Heritage District, Ward 4)

This application was related to Minor Variance Application A/089/22 and Consent Application B/002/22, which were being reviewed concurrently.

The Chair brought forward the request for deferral.

The agent David Johnson and was in attendance and indicated that they were aware of the request and agreed with the deferral.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson

Seconded By: Tom Gutfreund

THAT Application No **A/088/22** be **deferred** sine die.

Resolution Carried

3. A/089/22

Owner Name: Old Village Construction (Graham & Mary Dewar)

Agent Name: David Johnston Architect Ltd. (David Johnston)

28 Station Street, Markham

CON 7 PT LOT 13

The applicant was requesting relief from the requirements of By-law 153-80 as amended, to permit:

a) By-law 153-80, Section 7.2(b):

a front yard setback of 4.6 meters, whereas the By-law requires a minimum of 6.0 meters.

as it related to a proposed detached dwelling on the severed lot.
(Heritage District, Ward 4)

This application was related to Minor Variance Application A/088/22 and Consent Application B/002/22, which were being reviewed concurrently.

The Chair brought forward the request for deferral.

The agent David Johnson and was in attendance and indicated that they were aware of the request and agreed with the deferral.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

THAT Application No **A/089/22** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS:

1. **A/064/22**

Owner Name: Salvatore Rustico
Agent Name: Salvatore Rustico
12 Reesorville Road, Markham
PLAN M1385 LOT 57

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 17.97 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (i):**
a maximum height of 10.14 metres, whereas the By-law permits a maximum height of 9.80 metres; and
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51.7%, whereas the By-law permits a maximum floor area ratio of 45%;

as it related to a proposed two-storey single detached dwelling.
(East District, Ward 4)

The Chair introduced the application.

The owner, Sal Rustico, appeared on behalf of the application. This application had been previously deferred, and the Committee had recommended reducing the requested Floor Area Ratio and the overall massing of the project. The Committee had also recommended that the applicant meet with the Rate Payers Association. The applicant had met with Elizabeth Brown, Laura Galati and Councillor Karen Rae and discussed the massing of the dwelling and also possible ways to soften the façade. The applicant revisited the façade to ensure the second floor over the garage was stepped back with multiple dimensions to the front of the home. The applicant expressed that he wanted to create a different dwelling than the one constructed at 10 Reesorville Road. He desired to create a home that would complement the existing homes in the area and contribute to the beauty of the street. Working with his architect, the applicant brought a proposal with reduced variances from the previous meeting. Mr. Rustico highlighted the five positive neighbour letters submitted to the Committee and the positive staff report.

Darren Pankhurst of 12 Jack Court spoke, representing several neighbours. The neighbours had similar concerns as presented at the previous meeting. Darren stated that the proposal was not minor and did not meet the four tests. The house was still too large for the lot. The proposed house would have significant lot coverage and hard surfaces. New builds with larger footprints resulted in less area for water to be absorbed during flooding events. The proposal was not appropriate and would not fit the neighbourhood. The applicant indicated that, unlike the applicant, he did not believe that the neighbourhood was not transitioning.

Laura Galati representing the Markham Village Sherwood Forest Residents Association, firstly wanted to thank the applicant for meeting with herself, Elizabeth Brown and Councillor Karen Rae. Laura indicated they shared many of the same concerns as the previous speaker, as outlined in Elizabeth Brown's comments. Overall they believed that the massing was still too large. The Residents Association felt that under 50 percent and closer to 47 percent was more appropriate for the lot.

Member Gutfreund reviewed their comments in the minutes for the previous meeting. At the previous meeting, the member indicated that the requests were not minor and had indicated that they wished to see a proposal reduced to lower than 50 percent Floor Area Ratio. Member Gutfreund expressed that it was a large house and that the massing was significant, and as expressed in June, the Floor Area Ratio should be reduced to below 50 percent.

Member Yan had also gone back through the minutes of the June 22nd meeting. Previously she had not supported the requested Floor Area Ratio, particularly the massing and scale and how it would fit in the streetscape. As the street had not undergone significant changes, there were few comparisons in the area. Member Yan

asked the applicant to outline the changes that were made to reduce the Floor Area Ratio since the last meeting.

Sal Rustico indicated that both the second and first floors had been reduced. Additionally, the dormer, described as presenting as a third floor, had been removed.

Member Yan would not support a Floor Area Ratio of 51.7 percent.

Member Sampson agreed with their colleagues.

Member Reingold was of the same opinion as their colleagues.

The Chair indicated that in recent decisions, the Committee had not supported applications with a Floor Area Ratio of this percentage and massing as presented. The Chair asked if the applicant wanted a deferral or a vote.

Sal Rustico asked if the floor area could be reduced by 148 sq. ft. for a Floor Area Ratio of 50 percent, would the Committee provide approval at the meeting.

The Chair indicated that the Committee's concern was regarding the front elevation and the overall building massing and that the proposed reduced number would not necessarily address their concerns. It was not a mathematical exercise, and the Committee was not prepared to approve a higher Floor Area Ratio that was not tied to plans that addressed the front elevation. If, for example, the applicant reduced the rear of the house, it would not be desirable for the area, which was not a street in transition. The proposal did not meet the intent of the Official Plan.

Sal Rustico expressed that the proposed height was very close to the maximum height of the by-law. In addition, they had demonstrated that the front elevation was articulated, and from a technical point of view, changing the bedroom over the garage would not be practical.

The Chair recommended that the applicant consults with staff regarding proposed changes.

Member Gutfreund motioned to defer the application.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

THAT Application No **A/064/22** be **deferred** sine die.

Resolution Carried

Applications B/003/22, B/006/2022 and A/031/22, A/039/22 and A/040/22 were heard concurrently.

2. B/003/22

**Owner Name: Samia Sahyone & Mina Maseh
Agent Name: MMK Engineering Inc (Miral Hanna)
18 Gainsville Avenue (Parts 1 to 6), Markham
PLAN 7566 LOT 18 & 19**

The applicant was requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate lot frontage of 7.68 m (25.20 ft.) and approximate lot area of 306.66 sq. m (3,300.86 sq. ft.) (Parts 2, 4, and 6); and
- b) Retain a parcel of land with approximate lot frontage of 15.36 m (50.39 ft.) and approximate lot area of 613.32 sq. m (6,601.72 sq. ft.) (Parts 1, 3, and 5).

The purpose of this application was to sever and convey a portion of 18 Gainsville Avenue with the intent to merge this parcel with the severed portion of 20 Gainsville Avenue (B/006/22) to facilitate the creation of one new residential lot.

(Central District, Ward 3)

This application was related to Minor Variance Applications A/031/22, A/039/22, A/040/22 and Consent Application B/006/22, which were being reviewed concurrently.

The Chair introduced the application.

The agent, Miral Hanna, appeared on behalf of the application. The applications for consent had previously been approved, but the approval had lapsed, and the ownership had changed. The applicant resubmitted the application with the proposed lot boundaries and areas as previously approved and the new reference plans showing the easement. The agent detailed the minor variance requests and highlighted previous applications in the area that had similar requests approved by the Committee.

Al and Barbara Pawlak of 16 Gainsville Avenue expressed concerns that the proposed construction would disturb the 55-year-old hedge on the property boundary. The Pawlak's requested clarity regarding the setbacks of the proposed dwellings. They noted that the request for increased height was purely ornamental. They were concerned that if Committee approved the proposed height variances, it would set a precedent for other requests for increased height.

Ian Free of 145 Kreighoff Avenue spoke to the proposal. Ian spoke to the similarity of the designs, the request for a height variance to create a false façade, privacy issues that the requested balconies would create, and flooding and water issues that were created by pushing the dwellings towards the rear yards. Ian indicated that the applicants would have been aware of the easement and could have worked around the need for a variance by changing the lot sizes. Ian stated that he did not like the massing of the houses, the façade, and the similarity of the design to produce almost three identical houses, which all required minor variances.

Elaine Wilton of 14 Gainsville Avenue commented on the minor variance applications indicating that the creation of the lots was not unacceptable. However, the three proposed dwellings with the requested variances would be anomalies in the neighbourhood. Elaine indicated that encroachment into side yards could lead to the destruction of the hedge at 16 Gainsville Avenue, reducing privacy for all immediate neighbours. Of most significant concern for Elaine was that the additional roof coverage of three dwellings would create flooding in an area already subject to flooding. Elaine asked why a variance would be required for a decorative ornamental roof which was only an attempt to make an already large house look even larger. Finally, Elaine spoke about the removal of trees in the area to accommodate new builds. Elaine indicated that the variances for the reduced side yard, height and those related to second-storey balconies should be refused.

Christiane Bergauer-Free of 145 Krieghoff Avenue brought forward points regarding the reduced privacy created by second-storey balconies, and lot coverage did not include patios and other hard surfaces. The proposed parapet was ornamental only and created massing and height inconsistent with the area. Christiane also noted that the basements were designed to include secondary suites in the future, while the area's infrastructure was not set up for the increased demands. Christiane felt the proposal was inconsistent with the area, and the applicants had not demonstrated good reasons for the requested variances.

Dan O'Kopniak of 168 Krieghoff Avenue objected to allowing height variance indicating that parapets were typically associated with commercial buildings to hide the mechanical features of the building. Dan detailed how requesting a height variance for the front setback would only highlight the massing of the builds and that the request was not functional but rather was decorative to provide the appearance of a flat roof. In addition, Dan thought that providing the same height and front yard setback would make the houses appear as one build rather than three.

Miral Hanna, the agent, addressed concerns raised and indicated that the hedge at 16 Gainsville Avenue would not be impacted, and the owners would do additional landscaping for each proposed property. In addition, they would maintain the drainage and the grading and work to enhance the drainage on the property. The applicant indicated that the application met lot coverage except in the instance of the balcony. The request for height was not for the illusion of a larger house. Each home was

designed to be distinctive to the individual owners' style and would have unique finishes, and the ornamental roof was not solid but had a see-through railing.

The Chair requested details regarding the proposed timing of the proposed builds, and the agent responded that the owners were ready to move forward with construction once approvals had been obtained and intended to complete construction within a year.

Member Reingold indicated that the neighbours had covered many issues and agreed with many of the issues raised. The member understood that neighbourhoods need change but should be done with sensitivity and consideration for the compatibility with the area's original character. The member highlighted that the design was already square, and the requested variance for height seemed only to accentuate the "blockish" design of the dwelling and contributed to the feel of excess visual massing. Member Reingold did not support the height variances requested, indicating they did not reflect the current infill areas and indicated that similar shapes and designs did not contribute to the diversity of the streetscape. They were not a good fit for the existing community. The member stated that they could not support the creation of three lots from two however it should be done with consideration and respect for the environment, aesthetics and the impacts on the existing community.

Member Gutfreund agreed with Member Reingold and noted that the discussion centered on the proposed dwellings; however, there were two distinct types of applications under consideration for consent and minor variances. The member stated they would be consistent with their previous decision and support the creation of lots. However, the member did not agree that the proposed façade would achieve the look of a flat roof, did not agree with the balcony's variance, and lacked diversity of design. Therefore, the member could not support the variances.

Member Yan agreed with the comments of their colleagues and many of the residents' comments. They noted that the current lot pattern in the area was for large lots and careful consideration had to be given before approving smaller lots. The member supported the consent applications for the creation of the lots and did not support the minor variance applications.

Member Sampson agreed with the other members. The member noted that if the balcony was essential to the applicant, they should look to reduce lot coverage in other areas. Therefore, the member supported the consent applications and did not support the minor variance applications.

The Chair noted that City had a comprehensive direction regarding affordable housing and upkeep and maintenance of properties. The Chair reminded that Committee decisions were not precedent-setting, and approval of a height variance would not lead to granting similar height variances on different designs. The Chair addressed the applicant, indicating that the members were expressing support of the consent applications and refusal of the variance applications, and asked if the applicants wanted a deferral of the minor variance applications.

The applicants requested a decision on the consent applications and indicated they would work to design the houses without variances. The Chair indicated that a deferral would allow them to return if, after the redesign, they found they still had some areas that could not comply.

The agent agreed to the deferral of the minor variance applications.

Member Gutfreund motioned for approval of the Consent.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No **B/003/22** be **approved** subject to conditions contained in the staff report as amended.

Resolution Carried

3. B/006/22

Owner Name: Samia Sahyone
Agent Name: MMK Engineering Inc (Miral Hanna)
20 Gainsville Avenue (Parts 7 to 12), Markham
PLAN 7566 LOT 18 & 19

The applicant was requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate lot frontage of 7.68 m (25.20 ft.) and approximate lot area of 306.66 sq. m (3,300.86 sq. ft.) (Parts 7, 9, and 11);
- b) Retain a parcel of land with approximate lot frontage of 15.36 m (50.39 ft.) and approximate lot area of 613.32 sq. m (6,601.72 sq. ft) (Parts 8,10, and 12).

The purpose of this application was to sever and convey a portion of 20 Gainsville Avenue with the intent to merge this parcel with the severed portion of 18 Gainsville Avenue (B/003/22) to facilitate the creation of one new residential lot.

(Central District, Ward 3)

This application was related to Minor Variance Applications A/031/22, A/039/22, A/040/22 and Consent Application B/003/22, which were being reviewed concurrently.

Member Gutfreund motioned for approval of the Consent

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No **B/006/22** be **approved** subject to conditions contained in the staff report as amended.

Resolution Carried

4. A/031/22

Owner Name: Samia Sahyone & Mina Maseh
Agent Name: MMK Engineering Inc (Miral Hanna)
18 Gainsville Avenue (Building A – Parts 1, 3, and 5), Markham
PLAN 7566 LOT 18 & 19

The applicant was requesting relief from the requirements of By-law 11-72, as amended to permit:

- a) **Section 3.7:**
a decorative or ornamental roof that is less than 2 feet 5 inches in height to be disregarded in height calculation, whereas the By-Law does not have any provisions to permit ornamental roof encroachment;
- b) **Section 6.1:**
a maximum lot coverage of 35%, whereas the By-Law permits a maximum of 33.33%.

as it related to proposed detached dwelling on the retained lot (Parts 1, 3, and 5).
(Central District, Ward 3)

This application was related to Minor Variance Applications A/039/22, A/040/22 and Consent Applications B/003/22 and B/006/22, which are being reviewed concurrently.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

THAT Application No **A/031/22** be **deferred** sine die.

Resolution Carried

5. **A/039/22**

Owner Name: Samia Sahyone & Mina Maseh
Agent Name: MMK Engineering Inc (Miral Hanna)
18 and 20 Gainsville Avenue (Building B – Parts 2, 4, 6, 7, 9, and 11),
Markham
PLAN 7566 LOT 18 & 19

The applicant was requesting relief from the requirements of By-law 11-72, as amended to permit:

a) **Section 3.7:**

a decorative or ornamental roof that is less than 2 feet 5 inches in height to be disregarded in height calculation, whereas the By-Law does not have any provisions to permit ornamental roof encroachment;

b) **Section 6.1:**

a maximum lot coverage of 35%, whereas the By-Law permits a maximum of 33.33%.

as it related to proposed detached dwelling on the severed lot (Parts 2, 4, 6, 7, 9, and 11). **(Central District, Ward 3)**

This application is related to Minor Variance Applications A/031/22, A/040/22 and Consent Applications B/003/22 and B/006/22, which were being reviewed concurrently.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No **A/039/22** be **deferred** sine die.

Resolution Carried

6. **A/040/22**

Owner Name: Samia Sahyone & Mina Maseh
Agent Name: MMK Engineering Inc (Miral Hanna)
20 Gainsville Avenue (Building C – Parts 8, 10, and 12), Markham
PLAN 7566 LOT 18 & 19

The applicant requesting relief from the requirements of By-law 11-72, as amended to permit:

a) Section 3.7:

a decorative or ornamental roof that is less than 2 feet 5 inches in height to be disregarded in height calculation, whereas the By-Law does not have any provisions to permit ornamental roof encroachment;

b) Section 6.1:

a maximum lot coverage of 35%, whereas the By-Law permits a maximum of 33.33%;

c) Section 3.7:

an interior (west) setback of 4 feet 2 inches, whereas the By-Law permits a setback of 6 feet.

As it related to a proposed detached dwelling on the retained lot (Parts 8, 10, and 12).

(Central District, Ward 3)

This application was related to Minor Variance Applications A/031/22, A/039/22, and Consent Applications B/003/22 and B/006/22 which were being reviewed concurrently.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No **A/040/22** be **deferral** sine die.

Resolution Carried

NEW BUSINESS:

1. B/001/22 (Validation of Title, Section 57 *Planning Act*)

Owner Name: Amy Xin Wei Zhang and Lichen Jai

Agent Name: Gowling WLG (Canada) LLP (Kevin Dias)

68 Barnstone Drive, Markham

**PLAN 65M4193 PT BLK 110 PLAN 65M4240 PT BLK 37 RP 65R32875 PTS 13
AND 25**

To obtain a Certificate of Validation in order that a contravention of Section 50 of the *Planning Act* or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the *Planning Act* as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960

or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows: Part Block 110, Plan 65M4193, Part 13, Plan 65R32875; subject to an easement for entry as in YR2133626; City of Markham, being all of PIN 03060-7554 (LT); and Part Block 37, Plan 65M4240, Part 25, 65R32875; subject to an easement for entry as in YR2133626; City of Markham, being all of PIN 03060-7556 (LT).

The Chair introduced the application.

The agent, Kevin Dias, appeared on behalf of the application.

Member Gutfreund asked if the agent could clarify how the error on title was discovered.

Kevin Dias explained that they were made aware of the error through a claim on the title insurance, an inadvertent error had occurred at the time of purchase of the original owner from the developer and had been disregarded until the current owners became aware of the issue.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No **B/001/22** be **approved**.

Resolution Carried

2. A/068/22

Owner Name: Allan Seychuk
Agent Name: David Small Designs (Julie Odanski)
31 Christman Court, Markham
PLAN 7426 LOT 15

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

a) Section 10.1:

the construction of a single detached dwelling within an Open Space zone,
whereas the by-law does not permit construction within an Open Space zone;
and

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

a maximum depth of 22.58 metres, whereas the by-law permits a maximum depth of 16.80 metres;

as it related to proposed two-storey single detached dwelling.
(East District, Ward 4)

The Chair introduced the application.

Arlene Beaumont appeared on behalf of the agent, David Small Designs to speak to the application and made a presentation detailing the requested variances and outlined how the application met the four tests of the *Planning Act*. Arlene explained that the owners had been diligent in speaking with the neighbours and had nine letters of support including both adjacent neighbours and the rear neighbour. The application had a positive planning report and TRCA had approved the setback from the Natural Heritage features.

After hearing the presentation Victor Pan of 9 Christman Court had no comment.

Member Gutfreund stated that the application met the four tests of the *Planning Act* and recommended approval of the application.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No **A/068/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/079/22

Owner Name: Yun-Ki Vicky Mac
Agent Name: Paar Design Inc. (Nikol Paar)
24 Gladiator Road, Markham
PLAN 6999 LOT 10

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 height of 10.13 metres, whereas the by-law permits a maximum height of 9.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum depth of 19.40 metres, whereas the by-law permits a maximum depth of 16.80 metres; and
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.92%, whereas the by-law permits a maximum floor area ratio of 45%;

as it related to a proposed single detached dwelling.
(East District, Ward 4)

The Chair introduced the application.

The agent, Nikol Parr, appeared on behalf of the application and gave an outline of the proposal. The application had a positive staff report, indicating it was in keeping with the neighbourhood. The applicants understood that the proposal was for requests greater than customarily granted by the Committee but asked for consideration of their design and front elevation, which was in keeping with the neighbourhood, had a variation of the roof lines, and was sensitive to the surrounding built form. They were prepared to work with the Committee.

There was one piece of written correspondence from Elizabeth Brown regarding the proposal.

Bahrat Kahtaria of 24C Gladiator Road had submitted a letter and spoke to his concerns. While all three variances will obstruct the neighbour's view, the depth, in particular, will be inconsistent with the existing builds of the area. Currently, all of the dwellings line up.

Member Yan asked for clarification regarding the rear yard setback for the deck. The lot was deep, and the rear yard setback was substantial. The design was not out of scale or overly pronounced, and Member Yan did not have significant issues with the individual variances but noted that cumulatively they add up. The member felt that the applicant could reduce the Floor Area Ratio to below 50 percent.

Member Gutfreund agreed with Member Yan that a reduction in the Floor Area Ratio was merited. It should be reduced to below 50 percent and closer to the Committee's similar approvals.

Member Sampson commented on the impact of the second-storey balcony on the adjacent neighbours but noted that it was part of the design of the deck below. They

agreed with their colleagues that the Floor Area Ratio should be reduced to below 50 percent and hopefully not just the minimum reduction of 49.9 percent.

The Chair noted the comments made by Elizabeth Brown in her letter. Elizabeth had suggested reducing some of the open to below space creating one or half-storey portions of the house. The depth was in line with previous Committee approvals.

As the applicant had indicated that they were willing to work with the Committee, the Chair asked if the applicant wanted to defer the application.

Nikol Paar requested a deferral.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No **A/079/22** be **deferral** sine die.

Resolution Carried

Other Business:

1. Order of agenda item for the August 24th meeting.
2. Conflict of Interest written registry.

Adjournment

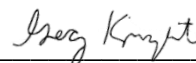
Moved by: Patrick Sampson
Seconded by: Tom Gutfreund

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:05 pm, and the next regular meeting would be held on August 24, 2022.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment