

# Memorandum to the City of Markham Committee of Adjustment

October 26, 2020

**File:** A/045/20  
**Address:** 17 Jonquil Crescent – Markham, ON  
**Applicant:** Lin Jian  
**Agent:** Brutto Consulting  
**Hearing Date:** Wednesday November 4, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential One (R1)” zone requirements of By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling, to permit:

**a) Infill By-law 99-90, Section 1.2(vi):**

a maximum floor area ratio of 49.84%; whereas the By-law permits a maximum floor area ratio of 45.0%.

## COMMENTS

The Committee of Adjustment deferred this variance application at the June 30, 2020 hearing due to concerns with the proposed building mass and the proposed “open to above/below” interior space of the dwelling. In response, the applicant has submitted revised plans which reduces the height from two storeys to one storey over a portion of the garage abutting the northerly lot line. This modification reduces the building mass and floor area along the front elevation. In order to maintain the floor area desired by the applicant, the applicant proposes to utilize the open to above/below space initially proposed at the rear of the dwelling as useable floor space. The design changes also include a redistribution of floor space throughout the dwelling, which results in a minor increase to the footprint of the building. Staff note that the revised plans continue to meet all other zoning provisions including setbacks, and lot coverage requirements of the By-law. As submitted, the revised plans do not increase the floor area from what was initially requested by the applicant. Therefore, the applicant is maintaining their original variance request to permit a maximum floor area ratio of 49.84%.

The applicant submitted an Arborist Report and Tree Preservation Plan (Appendix “C”) which reconfirms that all trees including neighbouring tree canopies overhanging onto the subject property will be protected. Staff are satisfied that that the proposed development will not adversely impact neighbouring properties, and note that the comments provided in the previous staff report remain applicable (Appendix “D”). Staff are of the opinion that the requested variance meets the four tests of a minor variance application as cited under Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and have no objection. Revised conditions to be attached to any approval of this application can be found in Appendix “A”.

## PUBLIC INPUT SUMMARY

No additional written submissions have been received over the revised plans as of October 26, 2020. It is noted that additional information may be received after the writing of the report and the Secretary-Treasurer will provide information on this as the meeting.

## APPENDICES

Appendix “A” – Revised Conditions of Approval

Appendix "B" – Revised Plans

Appendix "C" – Arborist Report & Tree Preservation Plan: March 29, 2020

Appendix "D" – Staff Report: June 11, 2020

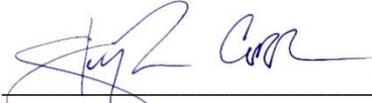
Appendix "E" – Minutes Extract: June 30, 2020

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Stephen Corr', written over a horizontal line.

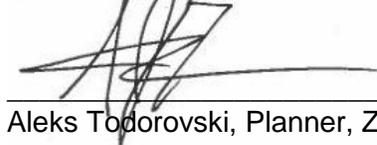
Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**REVISED CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report and received by the City of Markham on October 7, 2020, 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.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his or her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.
5. That tree replacements be provided to the City, if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



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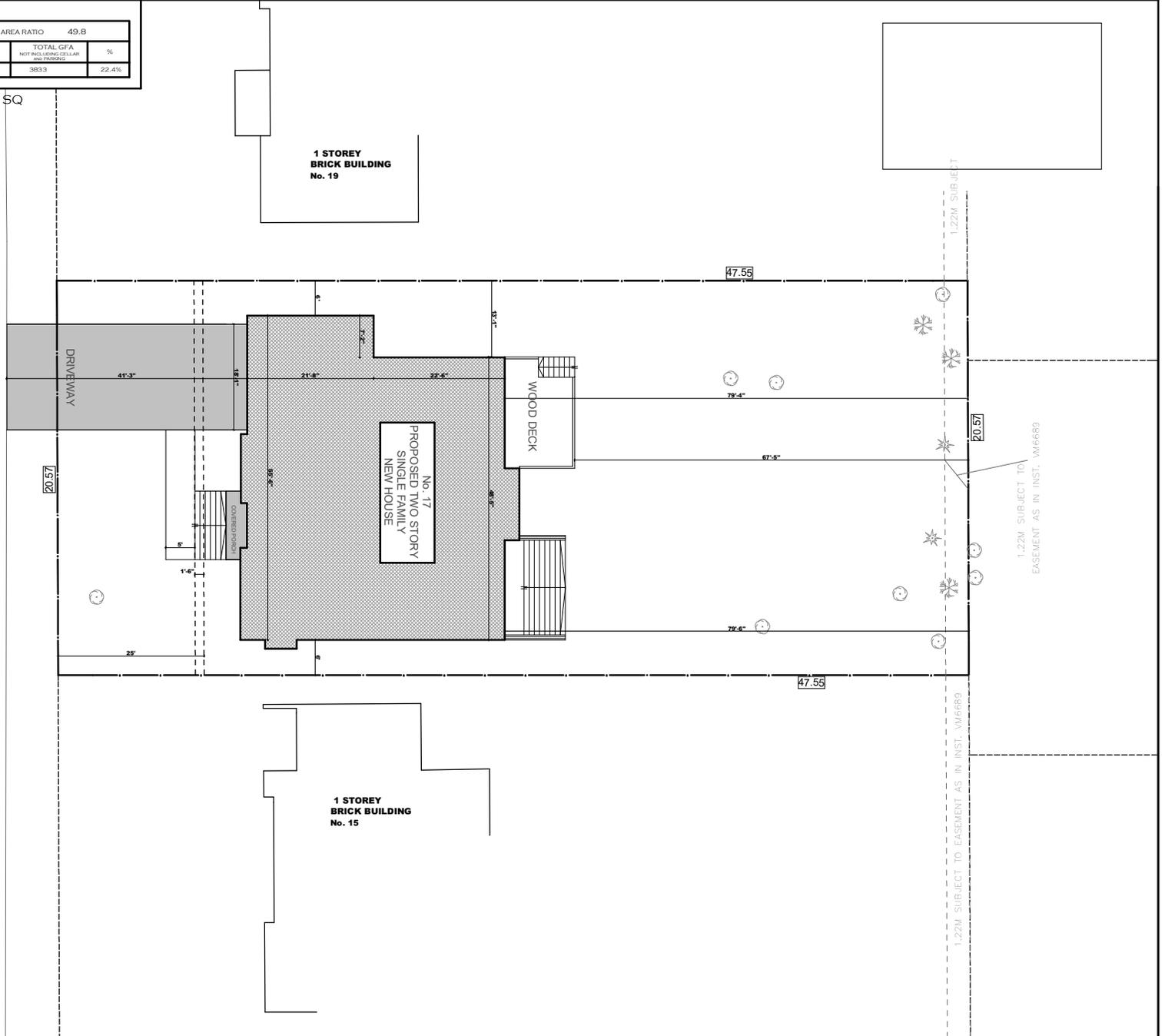
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**REVISED PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

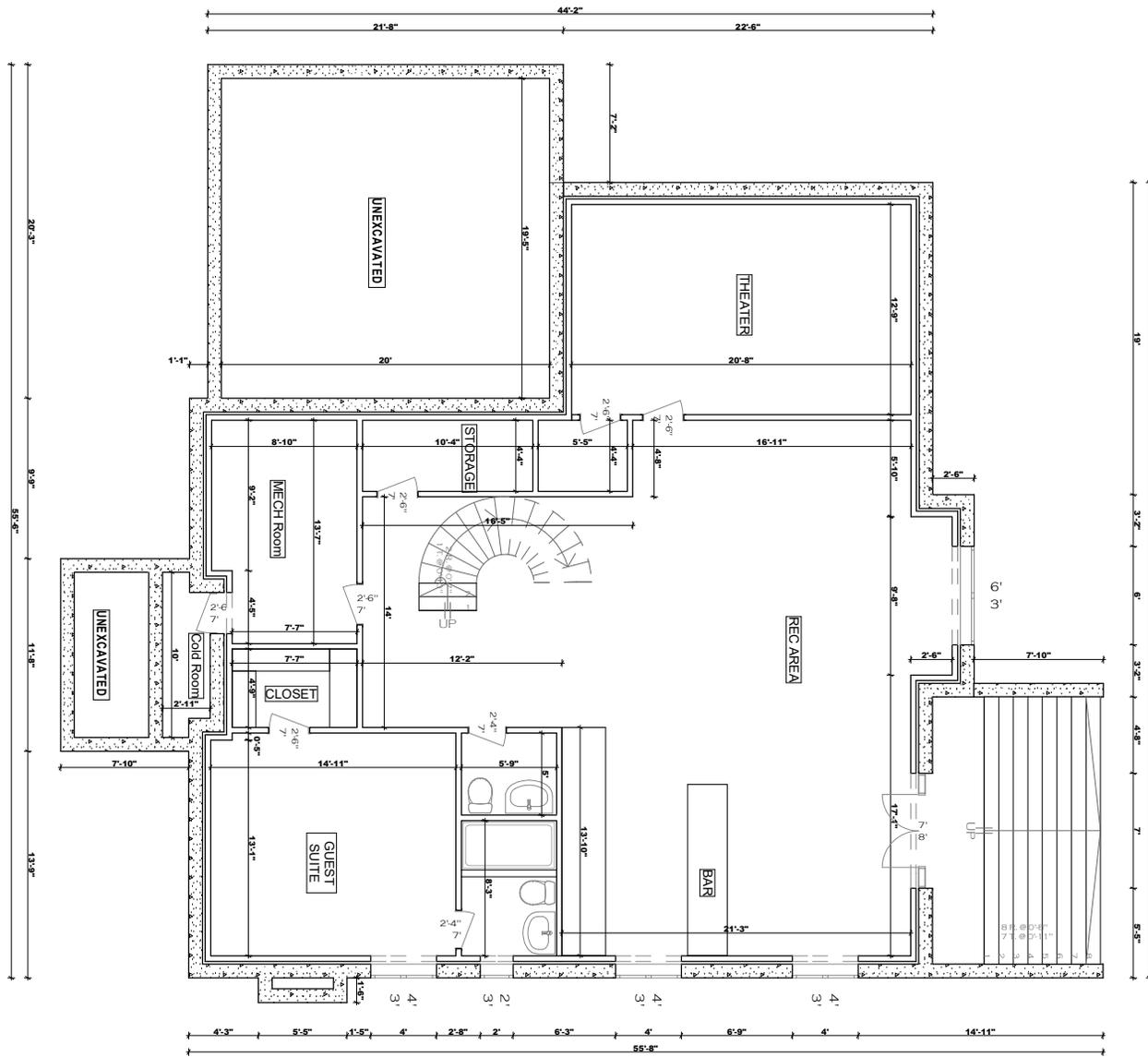
LOT AREA: 10528SQFT/978.09 m <sup>2</sup>		LOT COVERAGE: 2363QFT		NET FLOOR AREA RATIO 49.8		
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	CELLAR	GARAGE	TOTAL GFA NOT INCLUDING CELLAR AND GARAGE	%
TOTAL	2355FT <sup>2</sup>	1913FT <sup>2</sup>	1970FT <sup>2</sup>	435 F	393.3	22.4%

$((10528 \text{ SQFT} - 6600 \text{ SQFT}) / 2) + 6600 \text{ SQFT} = 8564 \text{ SQFT}$   
 $2355 \text{ SQFT} + 1913 \text{ SQFT} = 4268 \text{ SQFT}$   
 $4268 \text{ SQFT} / 8564 \text{ SQFT} = 49.84$

JONQUIL CRESCENT



DATE: MARCH 202	ISSUED FOR: FOR COA	<p><b>ECO-REVIVAL Consulting Ltd.</b></p> <p>5 Anvil Millway Toronto, ON. M2L 1P9 Tel: 416 428-5858</p>	SCALE: 1:150	DRAWING TITLE SITE PLAN	A.00	
			LAST MODIFIED ON: OCTOBER 7, 2020	PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARKHAM,		



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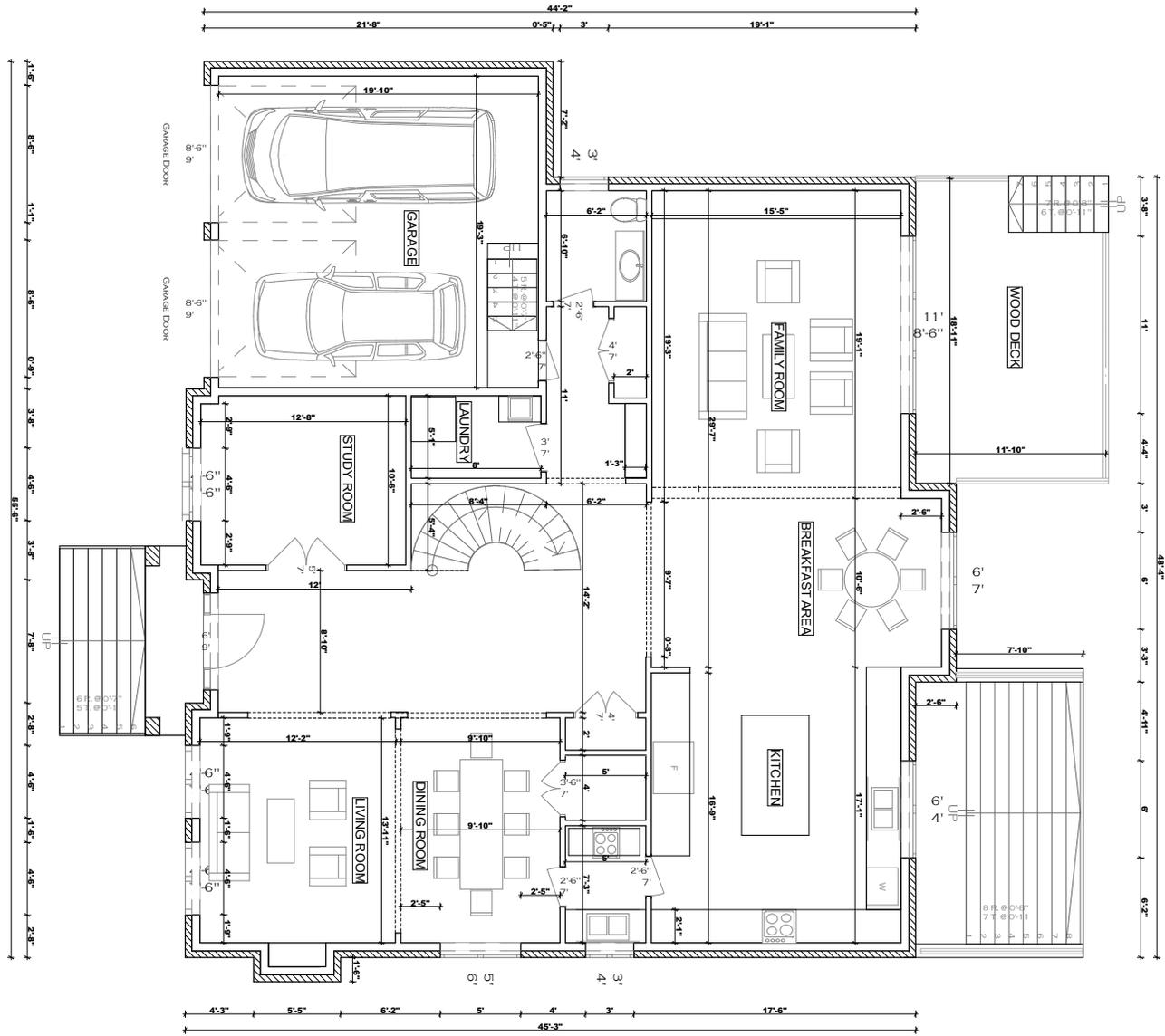
**ECO-REVIVAL Consulting Ltd.**  
 5 Anvil Millway  
 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858



SCALE:  
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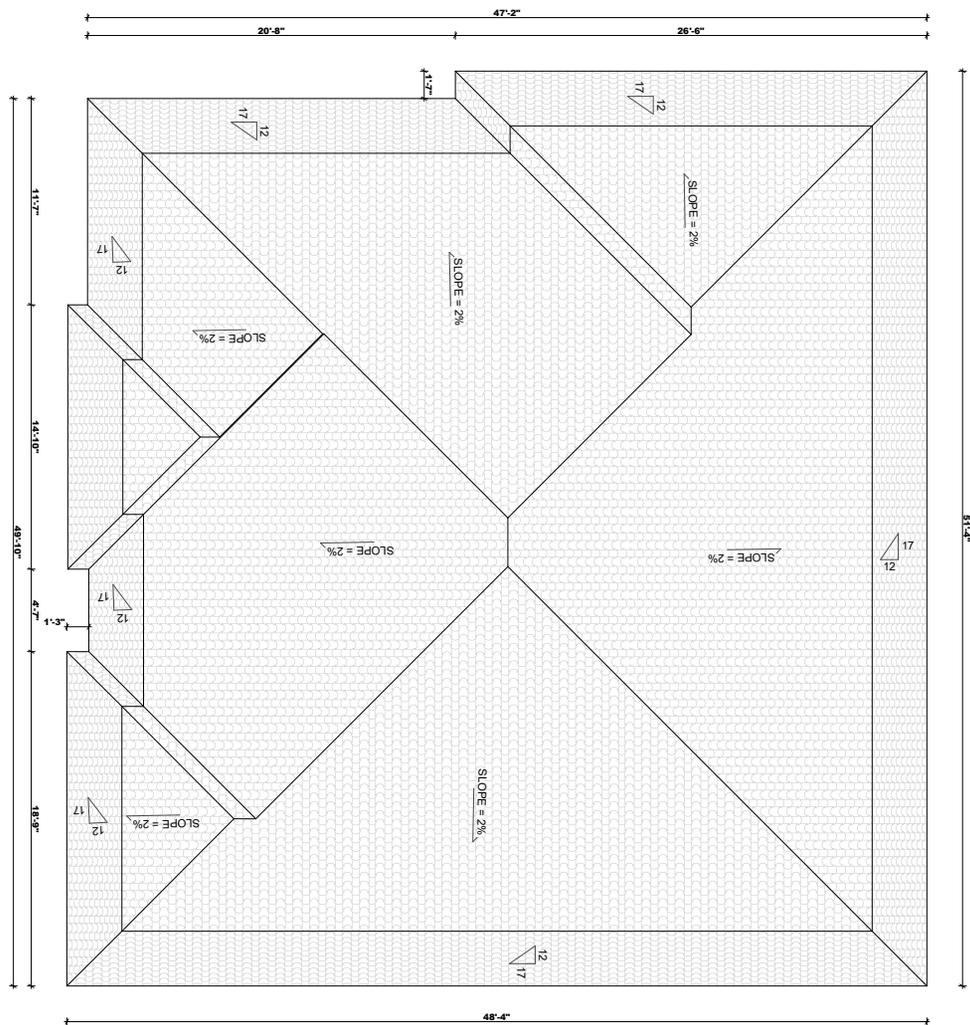


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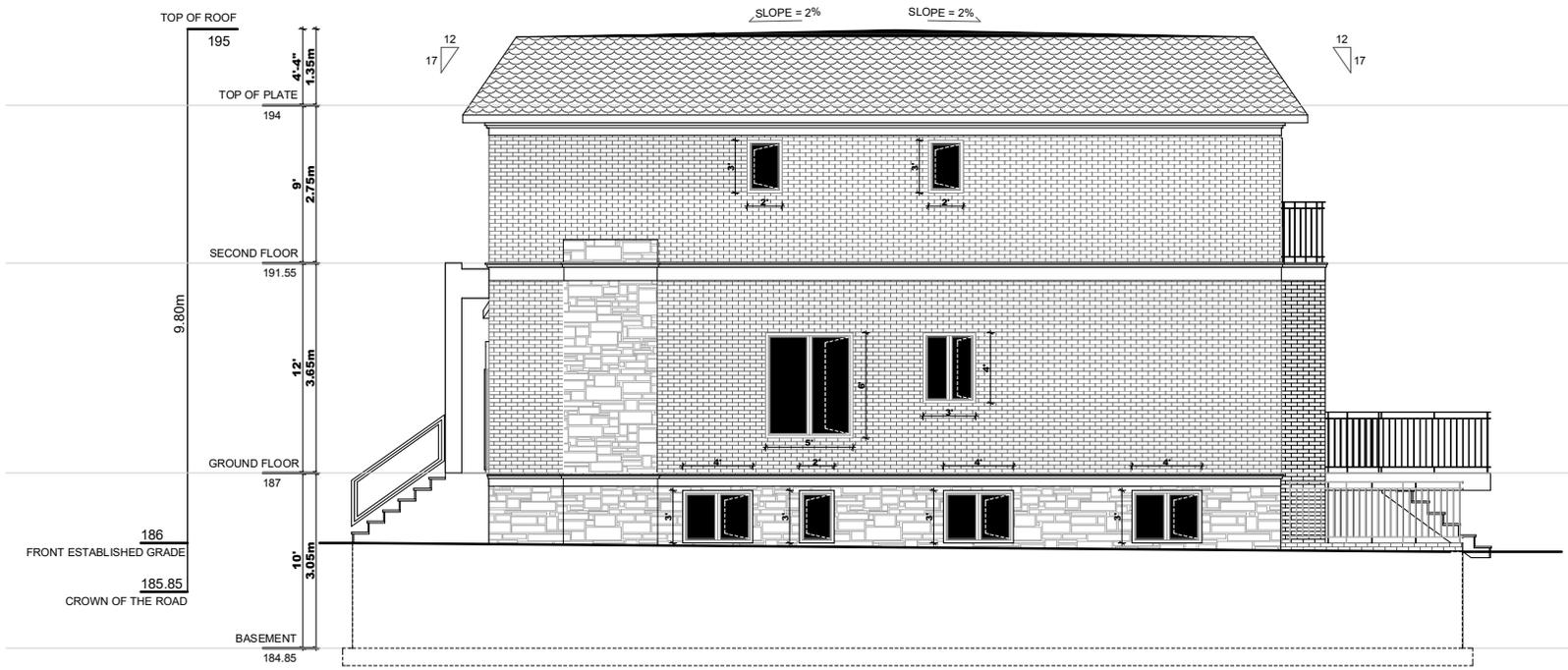
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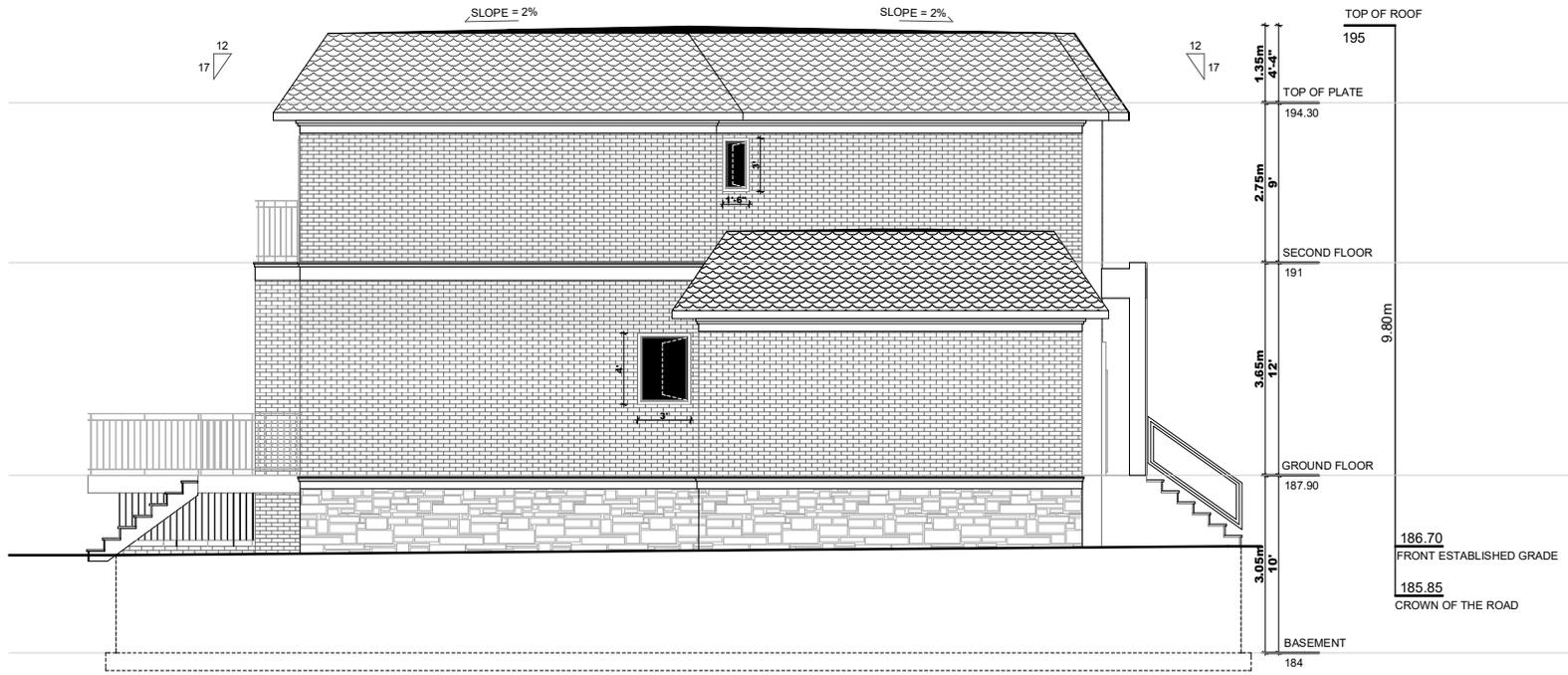
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 Tel: 416 428-5858



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 OCTOBER 7, 2020

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 SIDE ELEVATION  
 PROJECT TITLE/ADDRESS:  
 17 JONQUIL CRESCENT, MARKHAM, ON

A.08

**APPENDIX "C"**  
**ARBORIST REPORT & TREE PRESERVATION PLAN: MARCH 29, 2020**



# RACHAEL SCOTT

## ARBORICULTURE CONSULTING & SERVICES

RACHAEL KOWALESKI, B.E.S. ISA CERTIFICATION: ON-2145A. TREE RISK ASSESSMENT QUALIFIED. [RACHAELSCOTTCONSULTING@GMAIL.COM](mailto:RACHAELSCOTTCONSULTING@GMAIL.COM)

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### TREE PRESERVATION PLAN AND ARBORIST REPORT

PREPARED FOR VINCENT EMAMI  
17 JONQUIL CRESCENT MARKHAM

MARCH 29, 2020

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REPORT TYPE: ARBORIST REPORT AND TREE ASSESSMENT AND PRESERVATION PLAN  
DATE OF INSPECTION: MARCH 29, 2020  
ADDRESS: 17 JONQUIL CRESCENT, MARKHAM, ON L3P 1T3

## 1.0 INTRODUCTION

An on-site inspection was initiated by a qualified arborist on March 29, 2020 for the purpose of creating a Tree Assessment and Preservation Plan (TAPP). All trees requiring protection or a permit (to injure or remove) were inventoried and assessed. Site photos, a tree inventory, specifications for tree protection barriers, and a proposed site plan with existing tree locations are attached (see Appendix I, II, III, & IV).

## 2.0 METHODOLOGY

- TREE MEASUREMENTS

All relevant trees were sized by measuring their trunk diameter at 1.4 meters above the existing grade (diameter at breast height, or DBH) as per accepted arboricultural standards.

- TREE CONDITIONS

A generalized assessment system was employed to describe the overall condition of each inventoried tree. A five-level scale from "Very Good", "Good", "Fair", "Poor", and "Very Poor" was used to quantify the range of the tree's condition. "Very Good" condition was applied to a tree whose health, growth rate, and structural integrity was greater than eighty (80) percent of a perfect specimen. "Very Poor" was applied to a tree whose condition is less than twenty (20) percent of a perfect specimen.

- CATEGORIES

1. Trees with diameters of 20cm or more, situated on the subject site.
2. Trees with diameters of 20cm or more, situated on private property within 6m of the subject site.
3. Trees of all diameters situated on City owned parkland within 6m of the subject site.
4. Trees of all diameters situated within the City road allowance adjacent to the subject site.

- OUTLINE OF RECOMMENDATIONS

**REMOVE:** Any tree in the footprint of proposed construction or any tree which will sustain significant injuries directly from the proposed structures or the subsequent movement/storage of materials. These injuries would be unavoidable and likely cause long-term health and structural defects.

**PRESERVE WITH INJURY:** Any situation where a tree protection barrier that includes the entire TPZ cannot be maintained but the tree will not sustain injuries severe enough to compromise long-term health and structural stability. This includes situations where the movement of machinery or storage of materials would require disturbance within the TPZ. Measures to mitigate damage to the root zone and canopy (pruning, mulching, fertilizing, etc.) may be recommended.

**PROTECT:** A full tree protection barrier (based on the TPZ requirements) is constructed and remains unaltered throughout the duration of the construction.

- SPECIFICATIONS FOR TREE PROTECTION BARRIERS

It is necessary to protect all trees designated for preservation during both demolition and construction. This tree protection can be accomplished by installing tree protection barriers (TPBs). The minimum tree protection zone (TPZ) radius is based on the diameter of the tree and the requirements of individual Cities. Where the worksite is up-slope from ravine or protected natural feature areas, sediment control fences would be used in combination with the tree protection barriers.

The tree protection barriers will be comprised of snow-fencing or 3/4in ply-wood mounted on 2"x4" wood frames, or constructed using 3/4 in plywood laid horizontally over 10cm of wood chips or mulch. All barriers will be constructed in accordance with the City of Markham document "Tree Assessment and Preservation Plan Requirements".

### 3.0 PROPOSED CONSTRUCTION AND SITE DESCRIPTION

Rachael Scott Tree Expert Services has been hired to create a Tree Assessment and Preservation Plan (TAPP) and inventory at 17 Jonquil Cres. for the purpose of land development.

The development includes:

- demolition of the existing dwelling;
- removing and reconstructing driveway;
- constructing a new 2 story dwelling; and
- constructing a new wood deck in the backyard.

There are 6 privately owned trees (Tree #1-4,7,8) and 2 neighbour owned trees, within 6m of the subject site.

### 4.0 TREES TO BE PROTECTED

Trees #1-8 will be designated as "Protected". Refer to Appendix II for species, sizes, and conditions.

To proceed with the proposed construction, the tree protection barriers will be erected to include the full tree protection zone of all trees designated as protected. Tree barriers will be approved by the City of Markham and remain intact until all the proposed construction is complete (see Appendix IV for locations). All tree protection barriers will be installed in accordance with the City of Markham document "Tree Assessment and Preservation Plan Requirements".

### 5.0 CONCLUSIONS

To allow for the proposed construction at 17 Jonquil Crescent Markham, Tree # 1-8 will be "Protected" with no TPZ infringement.

Appendix I: Site Photos



Figure 1: North-west side of Tree #1

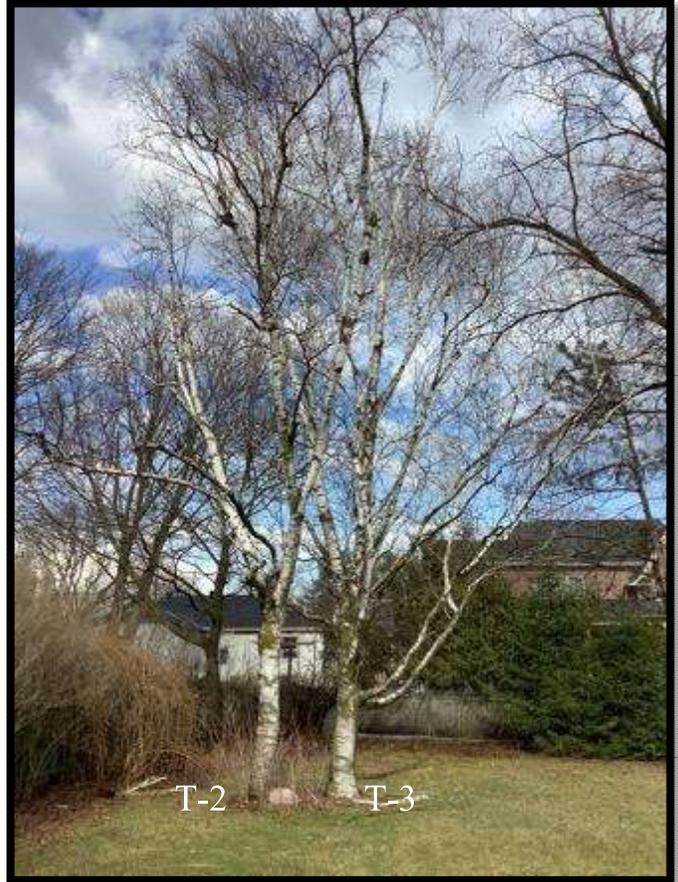


Figure 2: West side of Tree #2 & 3



Figure 3: South side of Tree #4

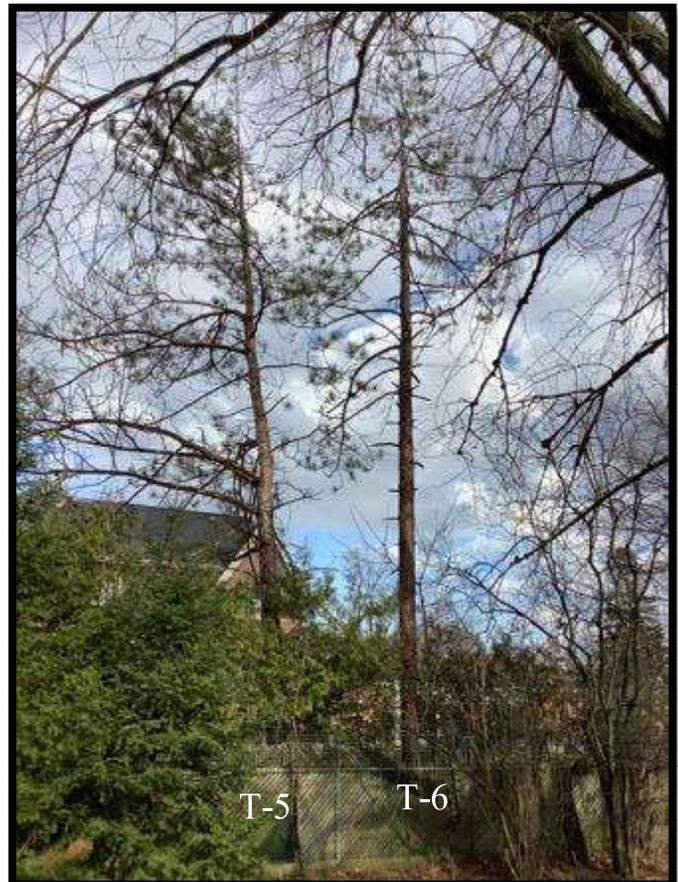


Figure 4: West side of Tree #5 & 6

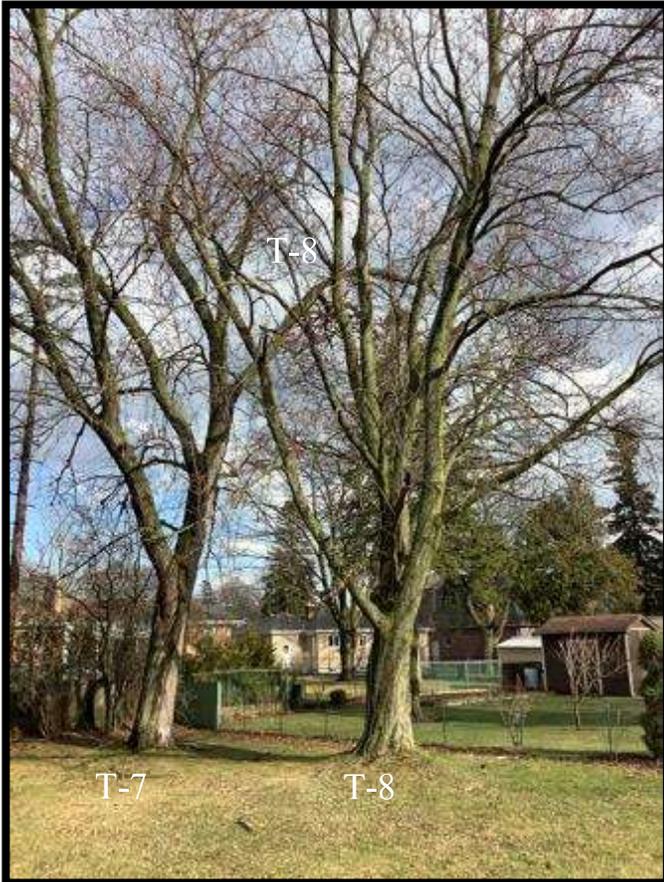


Figure 5: North side of Tree # 7 & 8



Figure 6: East side of Tree #7 & 8



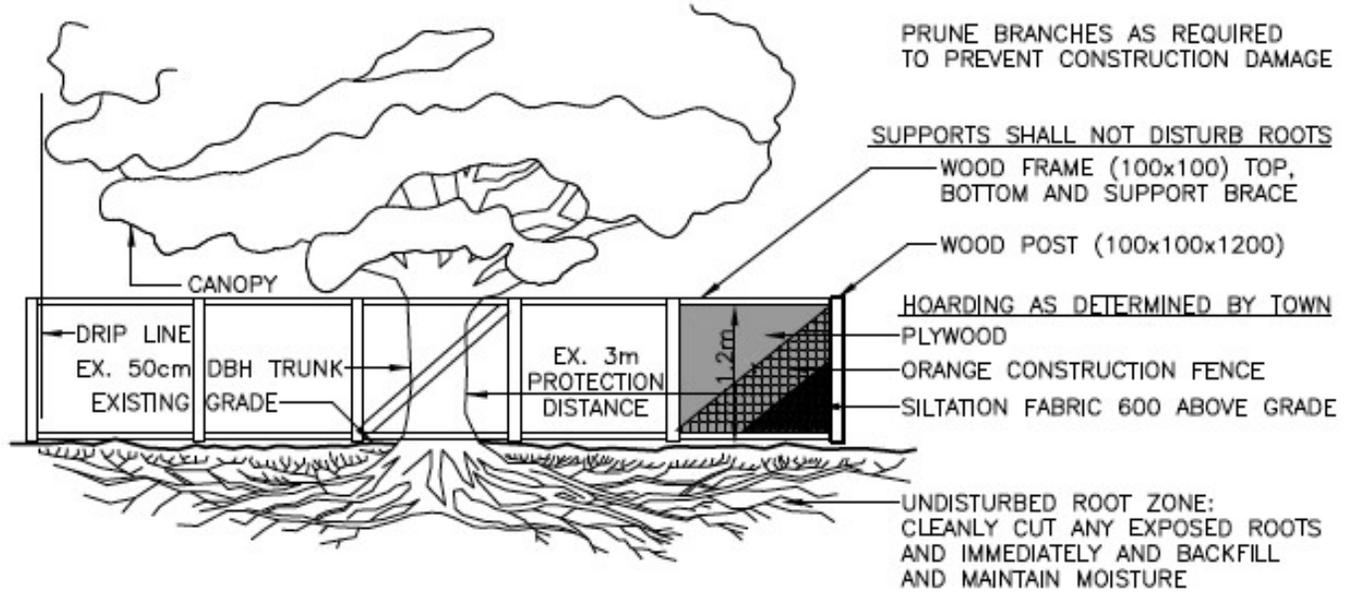
Figure 7: South side of Tree #8



Figure 8: South side of Tree #8

Appendix II: Inventory

Tree #	Species	DBH (cm)	Category	Condition	TPZ (m)	Recommendation	Rationale	Injury Mitigation
1	Paper Birch ( <i>Betula papyrifera</i> )	49	1	Good	3.0	Protect	No TPZ infringement required.	N/A
2	Paper Birch ( <i>Betula papyrifera</i> )	33	1	Fair	2.4	Protect	No TPZ infringement required.	N/A
3	Paper Birch ( <i>Betula papyrifera</i> )	41	1	Good	3.0	Protect	No TPZ infringement required.	N/A
4	Norway Maple ( <i>Acer platanoides</i> )	41	1	Good	3.0	Protect	No TPZ infringement required.	N/A
5	Scots Pine ( <i>Pinus sylvestris</i> )	25	2	Fair	2.4	Protect	No TPZ infringement required.	N/A
6	Scots Pine ( <i>Pinus sylvestris</i> )	23	2	Fair	2.4	Protect	No TPZ infringement required.	N/A
7	Silver Maple ( <i>Acer saccharinum</i> )	79	1	Good	4.8	Protect	No TPZ infringement required.	N/A
8	Silver Maple ( <i>Acer saccharinum</i> )	78	1	Fair	4.8	Protect	No TPZ infringement required.	N/A



MINIMUM TREE PROTECTION DISTANCE FROM TRUNK:

< 10cm DBH	1.2m
10-29cm DBH	1.8m
30-40cm DBH	2.4m
41-50cm DBH	3.0m
51-60cm DBH	3.6m
61-70cm DBH	4.2m
71-80cm DBH	4.8m
81-90cm DBH	5.4m
91-100cm DBH	6.0m
> 100cm DBH	6cm/1cm $\phi$

(DIAMETER AT BREAST HEIGHT) DBH = TRUNK DIAMETER AT 1.4m HEIGHT

40cmx60cm SIGN MOUNTED ON ALL SIDES OF BARRIER



**TREE PROTECTION ZONE**

NO WORK IS PERMITTED WITHIN THE TREE PROTECTION ZONE INCLUDING GRADING, CONSTRUCTION ACCESS AND MATERIAL STORAGE.

BREACH OF TREE PROTECTION ZONE IS SUBJECT TO A FINE OF \$ \_\_\_\_\_

CONTACT TOWN OF MARKHAM FOR MORE INFORMATION: 905-477-5530

TREE PROTECTION NOTES:

1. ALL TREE PROTECTION BARRIERS SHALL BE IN PLACE AND APPROVED BY THE TOWN PRIOR TO CONSTRUCTION ACCESS.
2. ALL SUPPORTS AND STAKES SHALL BE OUTSIDE THE TREE PROTECTION ZONE AND SHALL MINIMIZE ROOT DAMAGE.
3. TREE PROTECTION BARRIERS SHALL REMAIN IN PLACE AND IN GOOD CONDITION UNTIL ALL CONSTRUCTION IS COMPLETE AND APPROVED BY THE TOWN.
4. ALL ARBORICULTURE WORK SUCH AS PRUNING OF BRANCHES AND ROOTS, SHALL BE DONE BY A QUALIFIED TREE WORKER CERTIFIED WITH THE INTERNATIONAL SOCIETY OF ARBORICULTURE APPROVED BY THE TOWN.

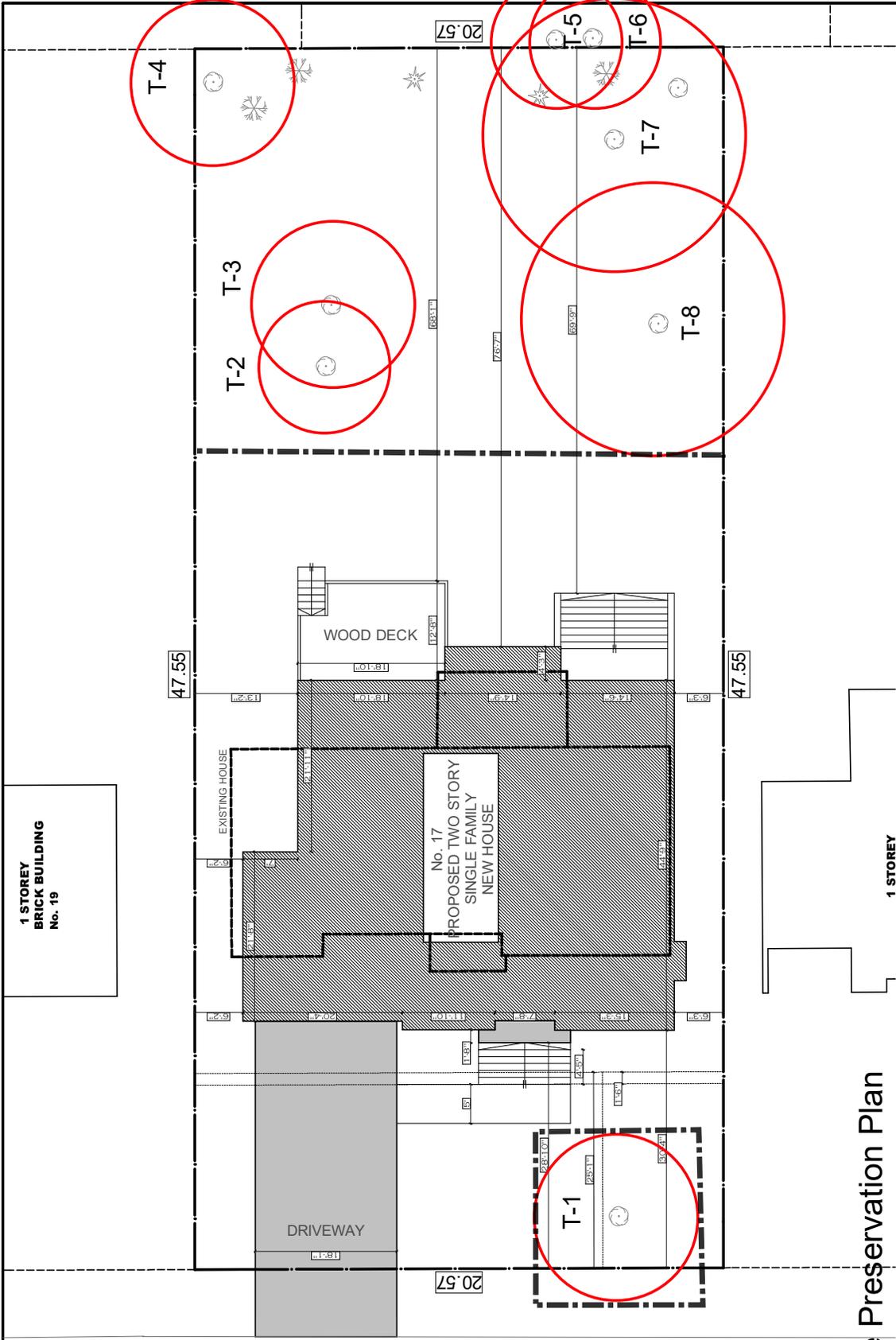
**Legend**

- TPZ barrier
- Tree Protection Zone (TPZ)

Prepared by: Rachael Kowaleski  
 Prepared on: March 29, 2020

See attached Arborist report and Inventory

**RACHAEL SCOTT**  
 ARBORICULTURE CONSULTING & SERVICES



# Appendix IV: Tree Preservation Plan

DATE:	ISSUED FOR
MARCH 2020	FOR COA

**ECO-REVAL** Consulting Ltd.  
 5 Anvil Millway  
 Toronto, ON, M2L 1P9  
 Tel: 416 428-5858

FOR STRUCTURE ONLY



SCALE:	1:150
LAST MODIFIED ON	MARCH 27, 2020

DRAWING TITLE	SITE PLAN FOR ARBORIST
PROJECT TITLE/ADDRESS	17 JONQUIL CRESCENT, MARKHAM, ON

A.09

**APPENDIX "D"**  
**STAFF REPORT: JUNE 11, 2020**

**Memorandum to the City of Markham Committee of Adjustment**  
 June 11, 2020

**File:** A/045/20  
**Address:** 17 Jonquil Cres – Markham, ON  
**Applicant:** Lin Jian  
**Agent:** Brutto Consulting  
**Hearing Date:** Thursday July 9, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following Residential One (R1) zone requirements of By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are as follows:

- a) **Infill By-law 99-90, Sec. 1.2(vi):**  
 a maximum floor area ratio of 49.84%; whereas the By-law permits a maximum of 45%.

**BACKGROUND**

**Property Description**

The 978.08 m<sup>2</sup> (10,528 ft<sup>2</sup>) subject property municipally known as 17 Jonquil Crescent, is located on the east side of Jonquil Crescent, north of Highway 7 East, west of Hawkridge Avenue, south of Robinson Street, and east of Galsworthy Drive. There is an existing one-storey detached dwelling on the property, with mature vegetation throughout the site including a large mature tree in the front yard. The applicant proposes that all trees on the property will be preserved, as per the email in Appendix “C”. Jonquil Crescent is comprised of a housing mix of existing one-storey dwellings originally constructed in the 1960’s, and more recent infill housing in the form of one and two-storey dwellings. Infill development along the street includes dwellings that comply with the By-law, and dwellings which have obtained variance approvals, including increases to net floor area ratio as shown in *Table 1* below.

*Table 1, Surrounding Infill Homes & Approved FAR Increases*

Address	File Number	Lot Area	Gross Floor Area	Floor Area Ratio
3 Jonquil Crescent	A/169/18	978.1 m <sup>2</sup> (10,528.2 ft <sup>2</sup> )	391.1 m <sup>2</sup> (4,209.8 ft <sup>2</sup> )	49.15%
4 Jonquil Crescent	A/108/13	1,169.6 m <sup>2</sup> (12,589.4 ft <sup>2</sup> )	463.5 m <sup>2</sup> (4,989 ft <sup>2</sup> )	52%
6 Jonquil Crescent	A/159/16	1,169.6 m <sup>2</sup> (12,589 ft <sup>2</sup> )	470.73 m <sup>2</sup> (5,063 ft <sup>2</sup> )	52.8%
12 Jonquil Crescent	A/48/14	1,019.4 m <sup>2</sup> (10,972.7 ft <sup>2</sup> )	424.4 m <sup>2</sup> (4,568.2 ft <sup>2</sup> )	52%
17 Jonquil Crescent (Proposed)	A/045/20	978.1 m <sup>2</sup> (10,528.2 ft <sup>2</sup> )	396.51 m <sup>2</sup> (4,268 ft <sup>2</sup> )	49.84%
20 Jonquil Crescent	A/21/13	898.1 m <sup>2</sup> (9,667.1 ft <sup>2</sup> )	392.6 m <sup>2</sup> (4,225.9 ft <sup>2</sup> )	52%
22 Jonquil Crescent	A/157/15	900.2 m <sup>2</sup> (9,689.6 ft <sup>2</sup> )	378.2 m <sup>2</sup> (4,070.9 ft <sup>2</sup> )	50%
23 Jonquil Crescent	A/161/12	977.9 m <sup>2</sup> (10,526 ft <sup>2</sup> )	416.6 m <sup>2</sup> (4,451.9 ft <sup>2</sup> )	52%

**Proposal**

The applicant is proposing to demolish the existing one-storey detached dwelling, and construct a two-storey detached dwelling with an attached double car garage and front covered porch. The total gross floor area of the dwelling is approximately 396.51 m<sup>2</sup> (4,268 ft<sup>2</sup>) with 218.79 m<sup>2</sup> (2,355 ft<sup>2</sup>) on the ground floor, and a smaller second floor footprint of approximately 177.72 m<sup>2</sup> (1,913 ft<sup>2</sup>).

## **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 2014 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

## Zoning By-Law 1229

The subject property is zoned Residential One (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 the maximum net floor area ratio.

## **Applicant’s Stated Reasons for Not Complying with Zoning**

According to the information provided by the applicant, the reasons for not complying with Zoning are because:

- “1. the owner has a large family and culturally live with their parents;*
- 2. the permitted floor area doesn’t meet their requirements; and*
- 3. the lot has an area of 10,500 ft<sup>2</sup> (975.48 m<sup>2</sup>) and a gross floor area of 3,803 ft<sup>2</sup> (353.31 m<sup>2</sup>) (excluding the garage) is pertinent for the lot.”*

## **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. It is the applicant’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 Net Floor Area Ratio**

The applicant is requesting relief to permit a net floor area ratio of 49.84%, whereas the By-law permits a maximum net floor area ratio of 45%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 396.51 m<sup>2</sup> (4,268 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum net floor area of 358.03 m<sup>2</sup> (3,853.8 ft<sup>2</sup>). This is an increase of approximately 38.03 m<sup>2</sup> (409.35 ft<sup>2</sup>) or 10.62% greater than the By-law permits.

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.

The building layout meets all other provisions of the R1 Zone that establishes the prescribed building envelope and maximum lot coverage which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of infill homes along the street and within the surrounding area that have obtained variance approvals for similar increases in floor area ratio (*Table 1*). Staff are of the opinion that the proposed dwelling is of a similar scale, size, and massing that maintains the street character, and therefore, have no concerns that the proposed variance will cause marked impacts on the surrounding lands.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 11, 2020. 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.

### **APPLICATION PROCESSING**

This application was initially scheduled to be heard on April 22, 2020; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal (LPAT).

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, hearing of applications, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency. Revisions to the initial memorandum include an update on matters relating to application processing.

### **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. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

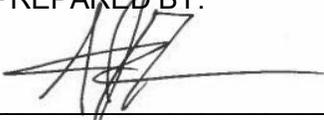
**APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Comments

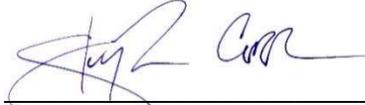
PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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Stephen Corr, Senior Planner, East District

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report and received by the City of Markham on March 13, 2020, 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.
3. That prior to the commencement of construction or demolition, tree protection be erected and maintained for the preservation of all trees on site in accordance with the e-mail received by the City of Markham on March 24, 2020 attached as Appendix “C” and in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
4. That tree replacements be provided and/or tree replacement fees be paid to the City if required, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



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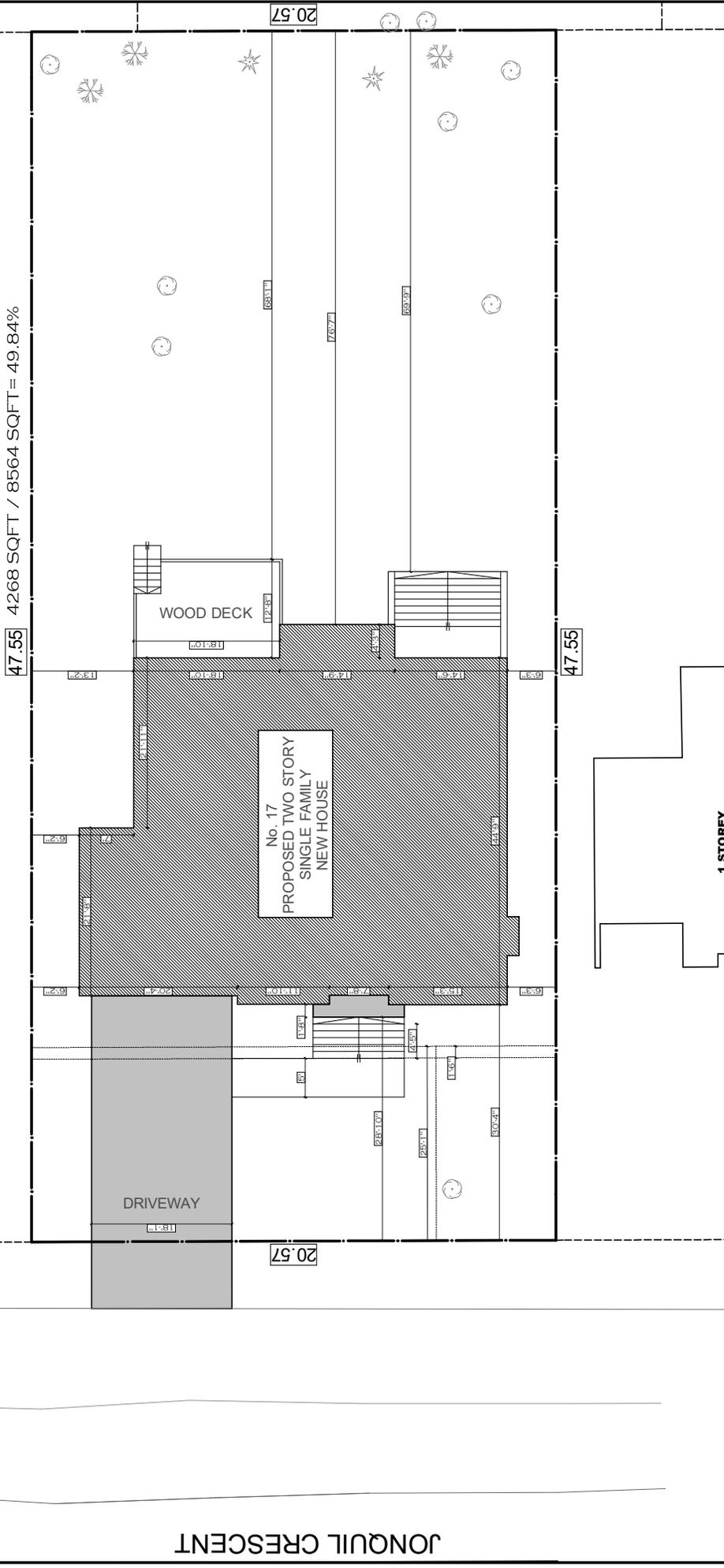
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

**4-STORY  
BRICK BUILDING  
No. 19**

LOT AREA: 10528 SQFT/978		LOT COVERAGE		NET FLOOR AREA RATIO: 49.84%	
GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	CELLAR	GARAGE	TOTAL GFA NOT INCLUDING PLAN AND PARKING
TOTAL	2355 FT <sup>2</sup>	1913 FT <sup>2</sup>	1967 FT <sup>2</sup>	435 F	3887 FT <sup>2</sup>
%					
22.6					

**((10528 SQFT-6600 SQFT)/2)+6600 SQFT=8564 SQF**  
**2355 SQFT+1913 SQFT=4268 SQFT**  
**4268 SQFT / 8564 SQFT = 49.84%**

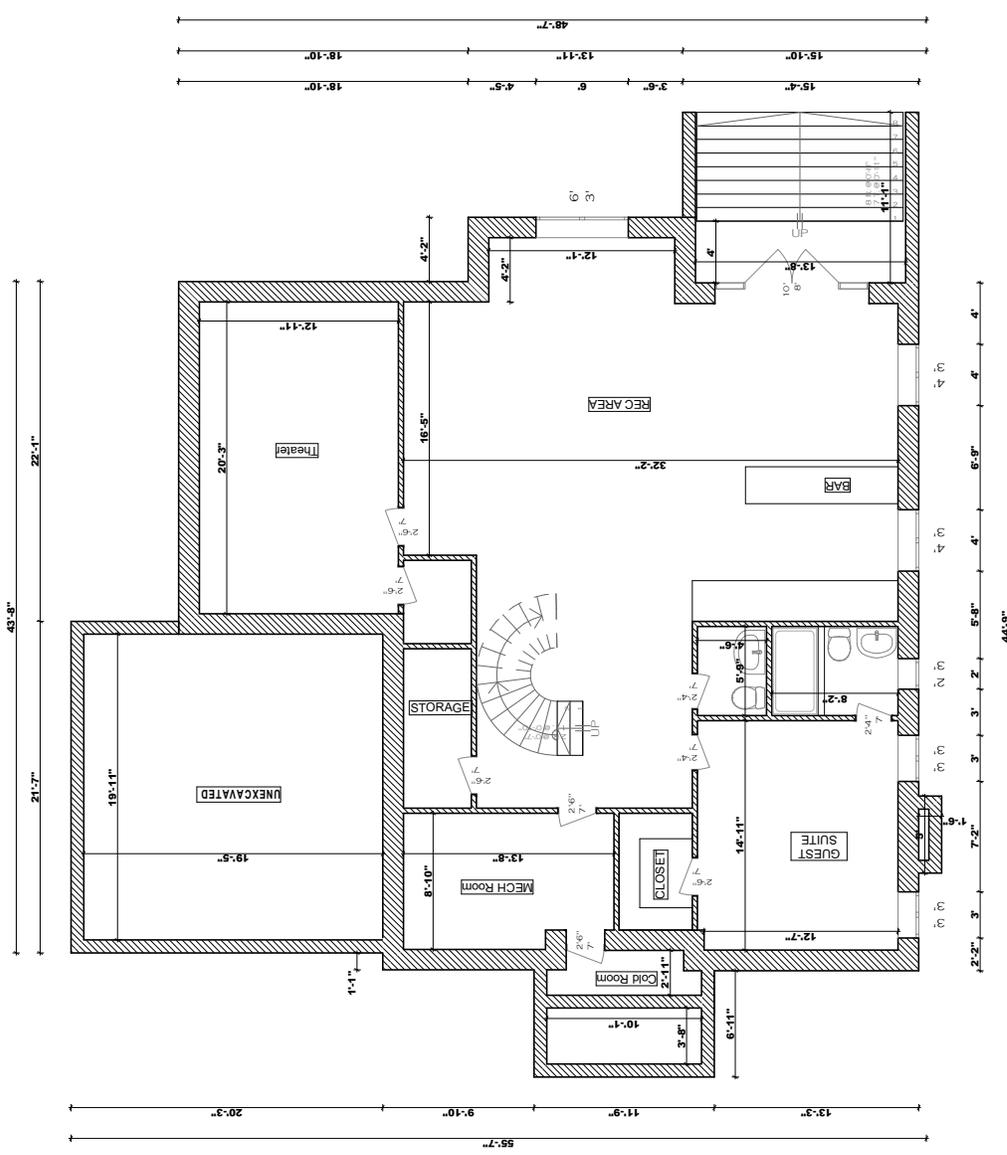


<b>DATE:</b> MARCH 2020	<b>ISSUED FOR:</b> FOR COA	<b>SCALE:</b> 1:150	<b>DRAWING TITLE:</b> SITE PLAN
		<b>LAST MODIFI:</b> MARCH 12, 2020	<b>PROJECT TITLE/ADDRESS:</b> 17 JONQUIL CRESCENT, MARKHAM, ON
		<b>A.O.1</b>	

**ECO-REVIVAL Consulting Ltd.**  
 5 Anvil Millway  
 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858

FOR STRUCTURE ONLY

JONQUIL CRESCENT



DATE: MARCH 2020  
 ISSUED FOR: FOR COA

FOR STRUCTURE ONLY

**ECO-REVIVAL Consulting Ltd.**  
 5 Anvil Millway  
 Toronto, ON. M2L 1P9  
 Tel: 416 428-5858

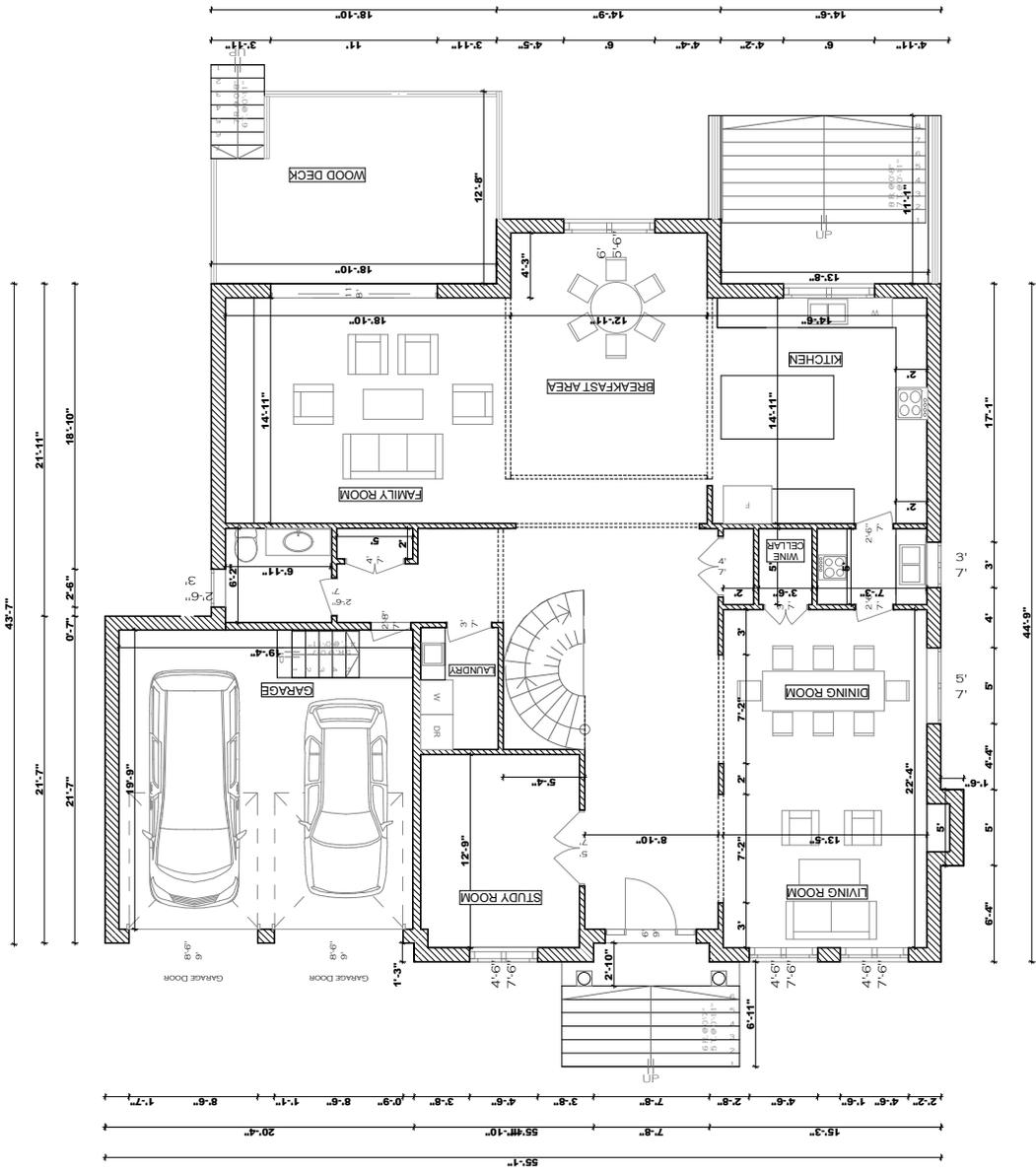
SCALE  
 1/8" = 1'

LAST MODIF  
 MARCH 12, 2020

DRAWING TITLE  
**BASEMENT**

PROJECT TITLE/ADDRESS  
 17 JONQUIL CRESCENT, MARKHAM, ON

A.02



A.03

DRAWING TITLE: GROUND FLOOR  
 PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARKHAM, ON

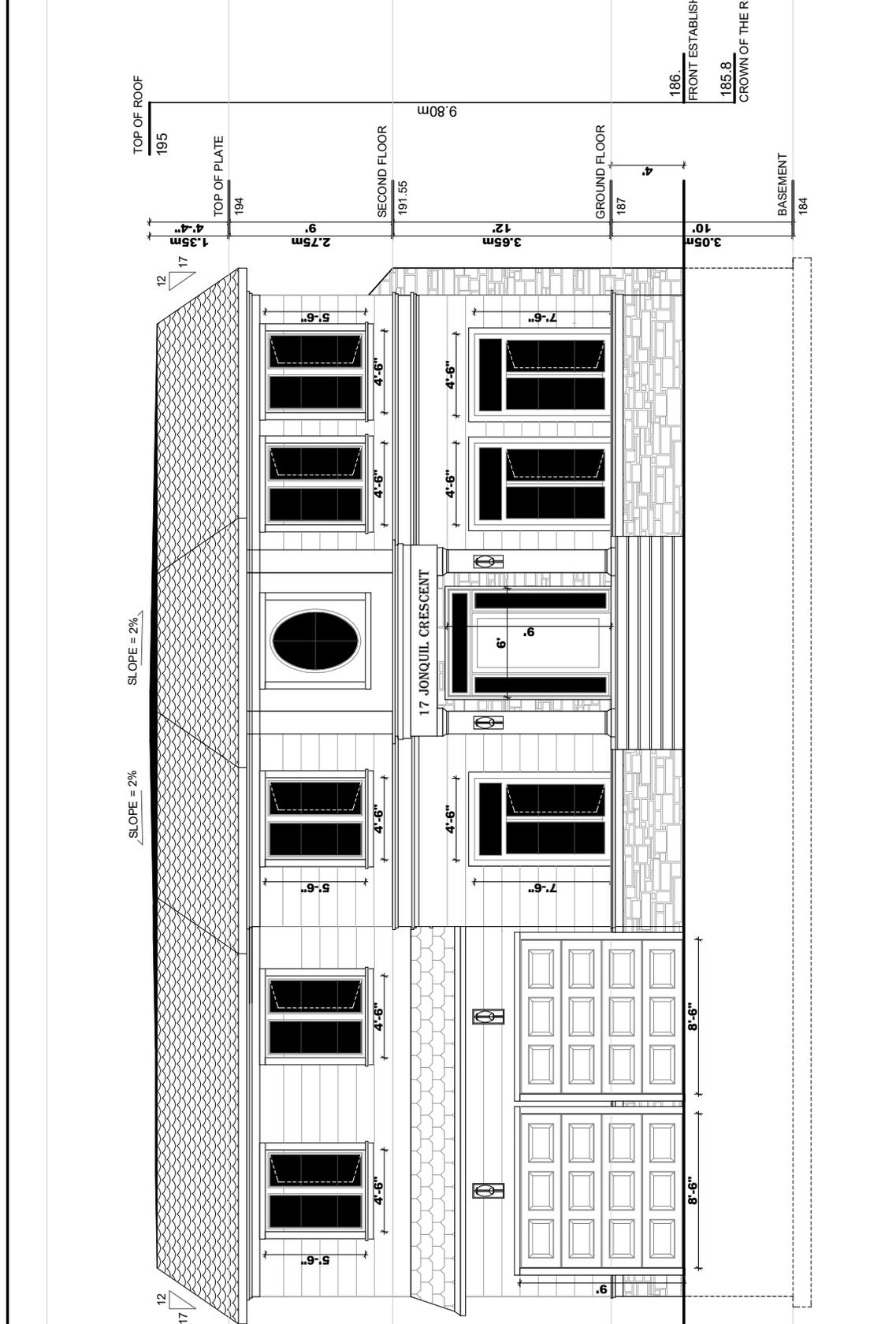
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 LAST MODIFIED ON: MARCH 12, 2020

ECO-REVIVAL Consulting Ltd.  
 5 Anvil Millway  
 Toronto, ON, M2L 1P9  
 Tel: 416 428-5858

ISSUED FOR: FOR COA  
 DATE: MARCH 2020

FOR STRUCTURE ONLY





SLOPE = 2%  
SLOPE = 2%

TOP OF ROOF  
195

TOP OF PLATE  
194

1.35m  
4'-4"

2.75m  
9'

SECOND FLOOR  
191.55

3.65m  
12'

GROUND FLOOR  
187

3.05m  
10'

BASEMENT  
184

186.  
FRONT ESTABLISHED GRADE

185.8  
CROWN OF THE ROAD

9.80m

4'

4'-6"

4'-6"

4'-6"

4'-6"

4'-6"

4'-6"

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12  
17

12  
17

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4'-6"

DATE: MARCH 2020	ISSUED FOR: FOR COA	<p><b>ECO-REVIVAL Consulting Ltd.</b> 5 Anvil Millway Toronto, ON. M2L 1P9 Tel: 416 428-5858</p>	<p>FOR STRUCTURE ONLY</p>
<p>SCALE 3/16" = 1'-0" LAST MODIFIED ON MARCH 12, 2020</p>			
DRAWING TITLE FRONT ELEVATION		PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARKHAM, ON	
A.O			

SLOPE = 2%

TOP OF ROOF  
195.65

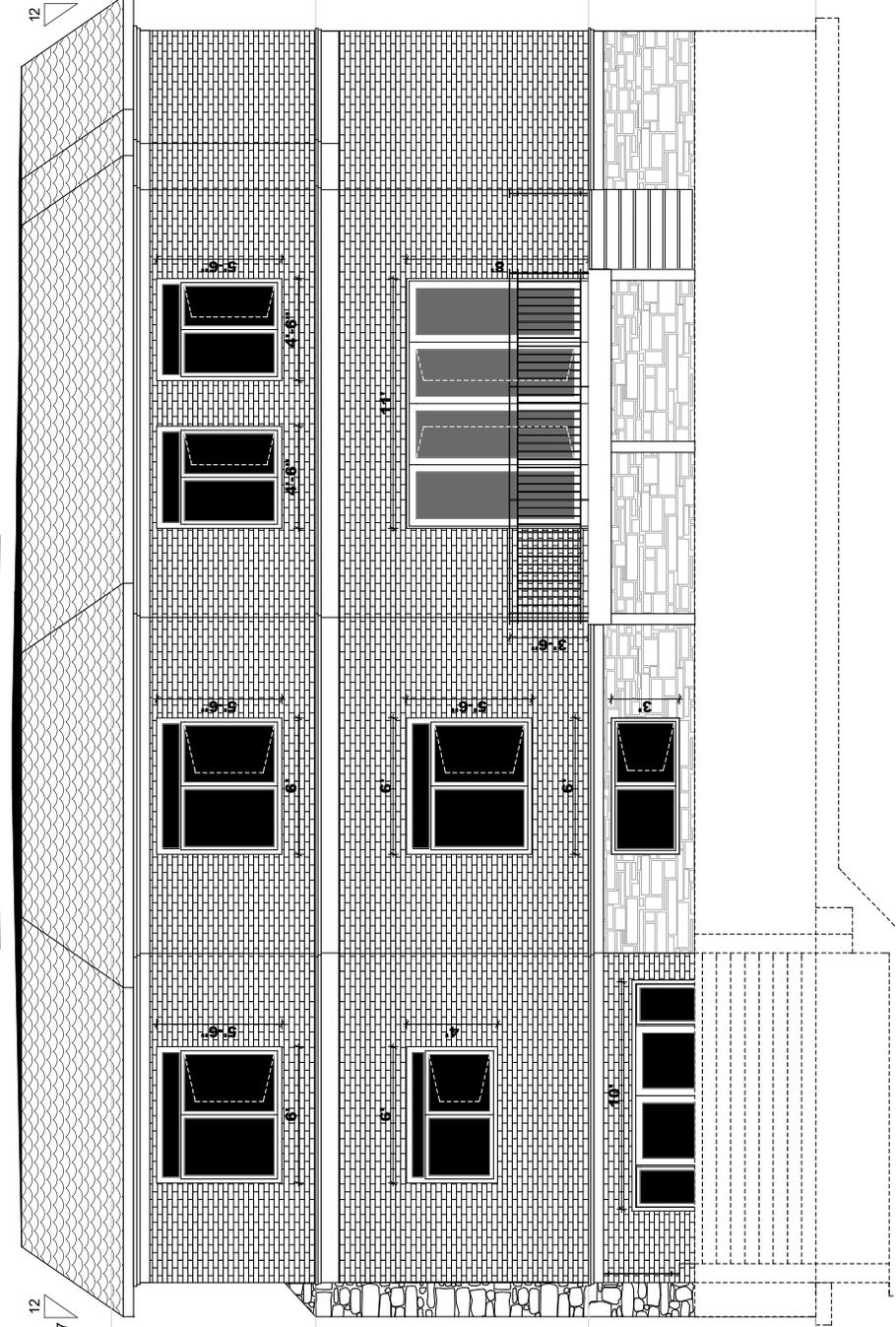
TOP OF PLATE  
194.30

SECOND FLOOR  
191.55

GROUND FLOOR  
187.90

BASEMENT  
184.85

186.55  
REAR ESTABLISHED GRADE  
185.85  
CROWN OF THE ROAD



DATE:  
MARCH 2020

ISSUED FOR:  
FOR COA

FOR STRUCTURE ONLY

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5 Anvil Millway  
Toronto, ON. M2L 1P9  
Tel: 416 428-5858

SCALE:  
3/16" =

LAST MODIFIED ON:  
MARCH 12, 2020

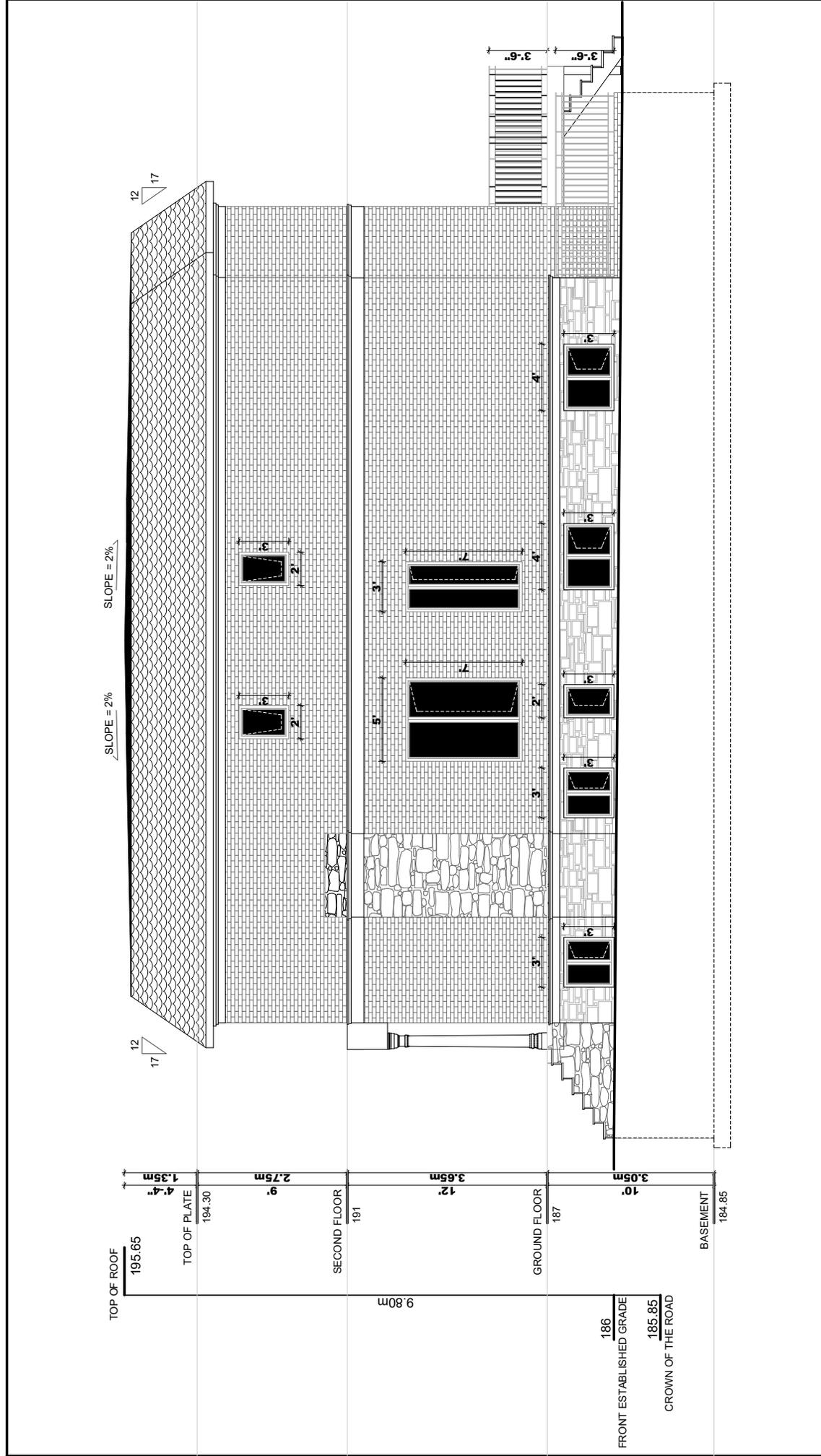
DRAWING TITLE:

REAR ELEVATION

PROJECT TITLE/ADDRESS:

17 JONQUIL CRESCENT, MARKHAM,

A.06

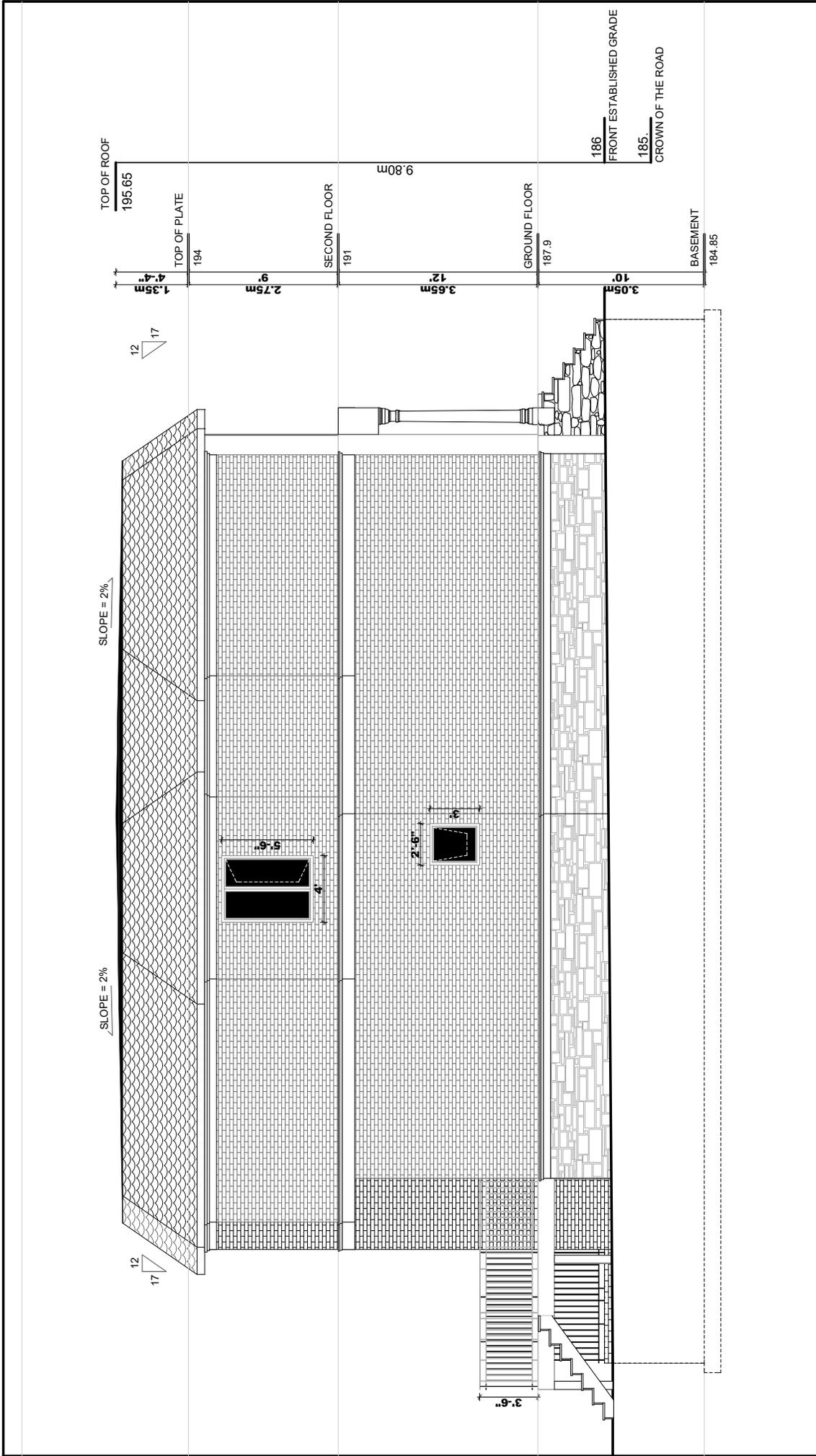


TOP OF ROOF 195.65  
 SLOPE = 2%  
 SLOPE = 2%  
 TOP OF PLATE 194.30  
 SECOND FLOOR 191  
 GROUND FLOOR 187  
 BASEMENT 184.85  
 FRONT ESTABLISHED GRADE 186  
 CROWN OF THE ROAD 185.85

4'-4" 1.35m  
 9' 2.75m  
 12' 3.65m  
 10' 3.05m

9.80m

DATE: MARCH 2020		ISSUED FOR: FOR COA		FOR STRUCTURE ONLY		<b>ECO-REVIVAL Consulting Ltd.</b> 5 Anvil Millway Toronto, ON. M2L 1P9 Tel: 416 428-5858		SCALE: 3/16" = 1 LAST MODIFI MARCH 12, 2020		DRAWING TIT SIDE ELEVATION PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARK		A.07	
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DATE: MARCH 2020  
 ISSUED FOR: FOR COA

FOR STRUCTURE ONLY

**ECO-REVIVAL Consulting Ltd.**  
 5 Anvil Millway  
 Toronto, ON, M2L 1P9  
 Tel: 416 428-5858

SCA  
 3/16" = 1'-0"  
 LAST MODIFIED ON:  
 MARCH 12, 2020

DRAWING TITLE: SIDE ELEVATION  
 PROJECT TITLE/ADDRESS: 17 JONQUIL CRESCENT, MARKHAM, ON

A.08

**APPENDIX "C"**  
**COMMENTS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/20**

## Todorovski, Aleks

---

**From:** Claudio Brutto <cbrutto@bruttoconsulting.ca>  
**Sent:** Tuesday, March 24, 2020 1:16 PM  
**To:** Todorovski, Aleks  
**Cc:** Francesco Fiorani  
**Subject:** RE: A.045.20-17 Jonquil Crescent

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Hello Aleks.

A TAPP was not prepared as no trees on site will be removed.

We trust that this is satisfactory to you.

Regards.

Claudio Brutto MCIP, RPP  
Brutto Consulting  
999 Edgeley Blvd. Unit 6  
Vaughan ON L4K 5Z4  
Mobile: 416.453.6197

---

**From:** Todorovski, Aleks <ATodorovski@markham.ca>  
**Sent:** Tuesday, March 24, 2020 10:56 AM  
**To:** Claudio Brutto <cbrutto@bruttoconsulting.ca>  
**Subject:** A.045.20-17 Jonquil Crescent

Hi Claudio,

Could you confirm whether a TAPP been completed for the above noted property?

Regards,  
Aleks

### Aleks Todorovski

Planner I | Planning & Urban Design | Development Services Commission  
Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON, L3R 9W3  
T: 905.477.7000 ext. 2944 | [www.markham.ca/ePLAN](http://www.markham.ca/ePLAN)



Committee of Adjustment is now accepting ePLAN (digital application) submissions!  
Note: By 2020, all applications are required to be submitted online in digital format.  
Please visit our ePLAN page for more information.

*Please note that due to the current COVID-19 crisis, our office will be adopting a "Work From Home" protocol until further notice. We will be keeping in touch via email and will use best efforts to continue to move projects forward.*

**APPENDIX "E"**  
**MINUTES EXTRACT: JUNE 30, 2020**

4. **A/045/20**

**Owner Name: Lin Jian**  
**Agent Name: Brutto Consulting (Claudio Brutto)**  
**17 Jonquil Cres, Markham**  
**PLAN 4949 LOT 160**

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

**a) Infill By-law 99-90, Section 1.2(vi):**

a maximum floor area ratio of 49.84 percent; whereas the by-law permits a maximum of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Claudio Brutto appeared on behalf of the application. He stated that staff are in support of the application.

Existing trees will be retained on site. In a comparison of other neighbouring properties granting variances, the request here is below that of other similar proposals of the area.

Councillor Karen Rea presented in opposition to the application. She does not believe this proposal will complement the character of this neighbourhood. She also raised concerns about the open to above space

Committee member Tom Gutfreund comments that the open to above space is of concern to him.

Committee member Patrick Sampson asked about open to below not being assessed and the chart with variances of neighbourhood in the staff report.

Staff stated that open to below was not assessed here as it was not seen as relevant. In addition, the chart was to show the neighbourhood character and not to infer that this proposal is consistent with other in-fill of the area and as such it should be approved.

Committee member Sally Yan asked about the design and how the owner derived it.

Mr. Brutto stated that it is personal preference of owners and how they want to use the living space.

Committee member Arun Prasad asked if additional direction needed to calculate open to below space.

The Chair commented that he believes the front massing could be done in more sympathetic matter.

**Moved By: Tom Gutfreund**  
**Seconded By: Arun Prasad**

THAT Application No. A/045/20 be deferred sine die.

Resolution Carried

**MOTION TO ADJOURN**

**Moved by Kelvin Kwok**  
**Seconded by Arun Prasad**

THAT the virtual meeting of Committee of Adjustment be adjourned at 8:00 PM, and the next regular meeting will be held on July 2, 2020.



---

Secretary-Treasurer,  
Committee of Adjustment

CARRIED



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Chair