



CITY OF MARKHAM
Virtual Meeting on Zoom

October 5, 2022
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 18th 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:

Arrival Time

Gregory Knight, Chair	7:00 PM
Tom Gutfreund	7:00 PM
Sally Yan	7:00 PM
Jeamie Reingold	7:00 PM
Patrick Sampson	7:00 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

Member Gutfreund declared a direct conflict of interest for item No. 1, and had submitted their written declaration for the registry.

Minutes: September 21, 2022

The Secretary-Treasurer advised the Committee that amendments would be made to the owner's names for items 11, 12 and 13 to correct a clerical error.

THAT the minutes of Meeting No. 17, of the City of Markham Committee of Adjustment, held September 21, 2022, respectively, be:

a) Approved on October 05, 2022.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

Carried

NEW BUSINESS:

1. **A/134/22**

Owner Name: Tom and Paula Gutfreund
Agent Name: Tom Gutfreund
20 Trimble Court, Thornhill
PLAN M1765 LOT 178

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

- a) **By-law 142-95, Section 2.2 (b)(i):**
a 3.66 metre projection, whereas the By-law permits a maximum deck projection of 3.0 metres.

as it related to a proposed deck replacement and extension.

The Chair introduced the application.

The owner, Paula Gutfreund, appeared on behalf of the application.

Member Reingold did not see the application creating adverse impacts on the surrounding properties and agreed with the recommendations in the staff report.

Member Reingold motioned for approval.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/134/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/086/22

Owner Name: Jatin Amin
Agent Name: GPF Design Services Inc. (Gabe Farone)
21 Emerson Hill Drive, Markham
PLAN 65M2270 LOT 226

The applicant was requesting relief from the requirements of By-law 134-79, as amended, to permit:

- a) Section 7.2 (b):**
a minimum rear yard setback of 6.05 metres (19'10"), whereas the By-law requires a minimum rear yard setback of 7.5 metres (24'7"); and
- b) Section 7.2 (c):**
a maximum lot coverage of 41.5 percent, including a rear covered porch, whereas the By-law permits a maximum lot coverage of 33.3 percent.

as it related to a proposed rear covered deck.

The Chair introduced the application.

The agent, Sal Crimi, appeared on behalf of the application. The purpose of the application was to legalize the reconstruction of the existing deck to meet the OBC.

Member Gutfreund read the staff report and agreed that the application met the four tests of the Planning Act and recommended approval with conditions.

Member Yan supported their colleague's comments and stated the application was minor.

Member Yan motioned for approval.

Moved By: Sally Yan
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/086/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/057/22

Owner Name: Suresh Kumar
Agent Name: Excel Engineering (Krishna Shah)
29 Havelock Gate, Markham
PLAN 65M3038 LOT 67

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

- a) **Section 5.2.1:**
a second dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot; and
- b) **Section 4.6 (a):**
an uncovered platform/steps (basement walk-out) to encroach 0.6 metres into the required interior side yard, whereas the By-law permits no more than 0.45 metres encroachment into the required interior side yard.

as it related to a proposed secondary suite (basement apartment).

The Chair introduced the application.

The agent, Nirmal Shah, appeared on behalf of the application. The agent outlined the proposal, detailing that staff were in support and the application met Provincial policy and supported affordable housing.

Member Sampson indicated that staff supported the application, no public comments had been received and the application was minor and motioned for approval of the application with conditions.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

The majority of the Committee approved the application.

THAT Application No. **A/116/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/129/22

Owner Name: Paolo Arfo
Agent Name: Vin Engineering Inc. (Sunil Shah)
5 Horsetail Street, Markham
PLAN 65M3767 LOT 253

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

- a) **Section 6.3.1.2:**
a private garage to be set back from the main building 5.63 metres, whereas the By-law requires 6.0 metres; and
- b) **Section 6.3.1.7 (a):**
maximum lot coverage of a detached private garage to be 17.90 percent, whereas the By-law permits a maximum lot coverage of 15 percent;

as it related to a proposed coach house above existing detached garage.

The Chair introduced the application.

The agent, Sunil Shah, appeared on behalf of the application. Sunil indicated that the requests were minor and the increased lot coverage resulted from the requirement to meet minimum room size in OBC.

Member Gutfreund indicated the application met the four tests of the Planning Act, and the use was permitted in the by-law. The member made note of similar coach houses on the laneway for properties fronting on Bittersweet Street.

Member Sampson requested clarification regarding the parking pad. The agent indicated that the rear wall of the parking pad would be enclosed with a fire rated covering to meet OBC requirements.

Member Gutfreund motioned for approval.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/129/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/121/22

Owner Name: Kit Chau
Agent Name: Battaglia Architect Inc. (Joseph Battaglia)
176 Krieghoff Avenue, Markham
PLAN 7566 LOT 108

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

- a) **By-law 11-72, Section 6.1:**
minimum side yard setback of 5 feet, whereas the By-law requires a minimum side yard setback of 6 feet required for 2 storey building;
- b) **By-law 11-72, Section 6.1:**
maximum lot coverage of 34.4 percent, whereas the By-law permits a maximum lot coverage of 33.3 percent;
- c) **By-law 11-72, Section 6.1:**
maximum building height of 25'8", whereas the By-law permits a maximum building height of 25';

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

The Chair introduced the application.

The agent, Joseph Battaglia, appeared on behalf of the application. The agent noted the application was minor, met the four Planning Act tests, and agreed with the recommendations in the staff report.

Two pieces of written correspondence were received as a result of the public notice.

Ian Free of 145 Krieghoff Avenue indicated that the proposal was large and blockish, did not fit the area, and required a larger lot with reduced height. Ian asked about drainage, the proposed kitchen in the basement and if an accessory dwelling unit was proposed.

Chris Bergaurer-Free of 145 Krieghoff Avenue spoke to the application indicating that the proposal was unsuitable for a single detached unit, and noted the side yard setback was insufficient for light and privacy. Chris stated that removing vegetation would create a microclimate, and the application lacked green ideas. Additionally, Chris noted that runoff from the property would be significant and result in drainage issues for the immediate and surrounding neighbourhoods.

The agent addressed concerns raised by the Frees indicating that drainage would be dealt with through engineering approvals, the pool was to be removed, the lot would be

landscaped, and there were no cooking facilities in the basement. Joseph indicated that the neighbourhood was evolving, and many other properties on the street had already changed.

Member Gutfreund noted a new ZPR was being undertaken. The agent indicated that the plans had changed to move the house back on the lot in response to tree protection comments from forestry.

Member Sampson noted that the proposal was for a large home. However, it was a large lot, and the requested variances were minor. The member asked about tree protection.

Greg Whitfield reiterated the house was to be moved back on the lot to address the protection of the tree in the front yard and noted that the staff report included tree protection conditions.

Member Reingold agreed that neighbourhoods were evolving; however, the Official Plan contained clear directives for infill design. The member pointed out that the design of the house was blockish and rectangular, and the proposed house did not fit the area's character. The member indicated that the variance request for the height was minor but did not support the request for the side yard setback, indicating that reducing side yard setbacks alters the built form to green space ratio. Member Reingold recommended changing the front elevation to reduce the visual massing.

Member Yan agreed with Member Reingold and did not support the side yard setback expressing that the proposal was overbuild for the site, noting that the variances individually were minor, but the three variances resulted in cumulative impacts.

The Chair asked if the house could be moved to be centered on the lot to increase the side yard setback.

The agent indicated a larger west side yard was required for the existing easement. The agent recognized that it was a large house and had made recommendations to the client to reduce the impact; however, the client requested a three-car garage.

The Chair indicated the requested variances were minor and that the Committee appreciated the changing nature of the neighbourhood but summarized that the Committee had expressed concerns about the front elevation and the streetscape.

Member Reingold spoke regarding recent examples of design elements that mitigated the imposing nature of a three-car garage.

Member Gutfreund agreed with their colleagues that the variances individually were minor; however, they felt the cumulative impact of the build on the streetscape was significant. Therefore, the member requested the garage be stepped back to lessen the impact of the side yard setback and the overall build.

The agent indicated that they wished to move the application forward and agreed to changes to the garage to allow the application to proceed.

Member Yan indicated agreement with the possible change to the garage to alleviate the impacts.

The Chair and the agent had further discussions regarding the façade, architectural features, and the streetscape roofline.

Greg Whitfield, the Chair and Joseph Battaglia discussed possible revisions. The agent agreed to work with staff offline to bring an amended condition forward to the Committee.

Member Gutfreund motioned to table the application for later in the meeting.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

At 8:56 pm, Member Gutfreund motioned to bring the application back before the Committee.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

Greg Whitfield put forward a proposed condition recommended by staff and reviewed by the Committee.

Proposed condition:

That the portion of the front main wall containing the easternmost proposed garage be setback 1.22 metres (4 ft.) from the front main wall of the building.

The agent agreed to the inclusion of the proposed condition in the decision. Member Gutfreund motioned for approval with the conditions as amended.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/121/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/141/22

Owner Name: Kuwardeep Singh
Agent Name: Gregory Design Group (Shane Gregory)
33 Windridge Drive, Markham
PLAN 4429 LOT 38

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 (vi):**
a maximum floor area ratio of 52.40 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Amending By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 21.03 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- c) **By-law 1229, Table 11.1:**
a flankage yard of 7.51 ft. whereas the By-law requires a flankage yard of 10 ft.;
- d) **By-law 1229, Section 11.2 (c)(i):**
eaves to encroach 24 inches into a required yard, whereas the By-law requires 18 inches; and
- e) **By-law 1229, Section 11.2 (c)(i):**
a porch with stairs to encroach 36 inches, whereas the By-law requires 18 inches.

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

The Chair introduced the application.

The agent, Shane Gregory, appeared on behalf of the application. Shane presented the project by detailing the variances and project elements, and emphasizing that the house had a smaller second storey stepped back from the main floor. The agent indicated the application met the four tests of the *Planning Act*.

The agent submitted six letters of support from neighbours.

Elizabeth Brown, 65 Lincoln Green Drive, and Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association appeared to speak to the application. Elizabeth shared a presentation outlining the variances detailing the project's scope, massing and scale and the existing vegetation on the property.

Shane indicated that the tree was proposed to be removed. The agent advocated this was a contemporary design which was not comparable with traditional designs in the area.

Member Reingold felt the modernized mid-century design would bring diversity to the streetscape. The member appreciated the need to orient the front of the house on Windridge Drive and reserved further comment until hearing the other members' comments.

Member Gutfreund agreed with their colleague that the proposal was an appropriate design for the lot, which fit with the redevelopment in the area. It was a significant proposal; however, the requested variances were minor. The member was concerned with approving a Floor Area Ratio of 52.4 percent as future applicants would use approval as precedent.

Member Yan considered the application a well-thought-out proposal; it was minor, complimented the streetscape and could support the application.

Member Sampson agreed with their colleagues that the design was appropriate. However, the member was concerned the high Floor Area Ratio would set a precedent.

The Chair commented that the Committee has been consistent regarding the Floor Area Ratio variances granted to applicants and had asked applicants to respect Floor Area Ratio limits. It was a large and prominent property, and the proposed house will be noticeable in the neighbourhood. The Chair indicated there was no necessity for the house this large and echoed that granting the variance for Floor Area Ratio would set a precedent.

Member Gutfreund indicated that the plans demonstrated that changes could be made to accommodate the owners' requests and recommended the application be deferred or the FAR variance dropped to 50 percent.

Member Reingold followed up on their previous comments, indicating agreement with the Chair and Member Gutfreund. The applicant needed to reduce the FAR to 50 percent not simply because it would set a precedent but because the agent had not provided adequate reasoning for the additional floor area.

The Chair asked Shane if they wanted a deferral or to proceed with a reduced variance of 50 percent FAR.

Shane requested the deferral.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Patrick

The Committee unanimously deferred the application.

THAT Application No. **A/141/21** be **deferred** sine die.

Resolution Carried

7. B/018/22

Owner Name: Livante Holdings (Victoria Square Woodbine) Inc. (Ben Wong)
Agent Name: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
Vetmar Avenue, Markham
PLAN 65M4328 BLK 95 PART 1 65R33720

The applicant was requesting provisional consent to adjust the lot line between Block 95 (at the corner of Vetmar Avenue & Victoria Square Blvd.) and 11030 Victoria Square Boulevard by:

- a)** severing and conveying a parcel of land with an approximate lot area of 459 sq. m (0.0459 ha) (Parts 2 and 3); and
- b)** retaining a parcel of land with an approximate lot area of 5,146 sq. m (0.51 ha) (Parts 1 and 4).

The purpose of this application was to sever a portion of Block 95 (Parts 2 & 3) and consolidate it with the lands to the south, known as 10978-11030 Victoria Square Boulevard to accommodate an outdoor landscaped amenity space and underground parking spaces for a future townhouse development on the block, which was subject to separate applications that have not yet been approved. This application was related to Site Plan Control application SPC 20 113250.

The Chair introduced the application.

The agent, James Koutsovitis, appeared on behalf of the application and provided a presentation and indicated that the client agreed with the conditions.

No written correspondence was received as a result of the public notice.

Member Gutfreund supported the application and moved for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/18/22** be **approved** subject to conditions contained in the staff report.

PREVIOUS BUSINESS:

8. 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 49.83 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 owner, Sal Rustico, appeared on behalf of the application and detailed the revisions made to the application.

One piece of written correspondence was received as a result of the public notice.

Darren Pankhurst of 12 Jack Court came to speak as an immediate neighbour and representative for residents of Jack Court. Darren reiterated the concerns raised at the previous two hearings and summarized that the requests were not minor, not desirable, and the proposal did not fit the area.

Member Gutfreund thanked the applicant for addressing the Committee's comments regarding drainage, massing, the façade and the streetscape. Member Gutfreund

recommended approval of the application expressing that the application met the four tests of the *Planning Act* and that the requested variances were minor.

Member Sampson agreed that Sal had addressed concerns regarding massing.

Member Gutfreund moved for approval.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/064/22** be **approved** subject to conditions contained in the staff report.

Applications B/20/21 and B/21/21 were heard concurrently, the discussion detailed in B/20/21 was reflective of both applications.

9. B/020/21

Owner Name: JUN LIU

Agent Name: MHBC Planning Limited (Debra Walker)

19 Riverview Avenue, Markham

PLAN 4365 LOT 13

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 2.21 m (7.25 ft.) and an approximate lot area of 88.89 sq. m. (956.80 sq.ft.) (Part 3); and
- b) retain a parcel of land with an approximate lot frontage of 32.08 m (105.25 ft.) and an approximate lot area of 1294.17 sq. m. (13,930.33 sq.ft.) (Part 4).

The purpose of this application was to sever and convey a portion of 19 Riverview Avenue (B/020/21) with the intent to merge this parcel (Part 3) with the severed portion of 21 Riverview Avenue (B/021/21) (Part 2) to facilitate the creation of one new residential lot which will have a total approximate lot frontage of 18.3 m and a total approximate lot area of 735.76 sq. m.

The Chair introduced the application.

The owner's legal counsel, Steven Ferri, appeared on behalf of the application, and Debra Walker was also in attendance. Steven spoke to comments made at the previous meeting regarding the relevance of the proposed Comprehensive Zoning By-law. It was proposed only and was a non-existent planning instrument. The relevant Zoning By-law was the one in force and effect. In assessing Official Plan policies addressing the

proposal's character and compatibility, consideration was given not only to the built environment but also to what could be built within current zoning standards. As the proposal conformed to the Zoning By-law, it was compelling that the proposal conformed to the Official Plan. Secondly, the legal counsel addressed comments regarding lot size and frontages, noting that consistent did not mean the same. The Committee and the Tribunal had granted consents for lots that were not the same but similar within the immediate area. The Tribunal, in its decisions, had addressed the policy intent of the Official Plan and had determined that no adverse impacts would result to the surrounding lands. Additionally, defining the study area for compatibility was not limited to one street; traditionally, "where you would walk your dog" was considered compatible. Steven noted that the Official Plan did not contain policies treating this area differently than other areas in the City. Finally, Steven addressed concerns regarding removing the tree canopy, and it restated that tree removal was outside the power of the Committee except for imposing conditions attached to the decision. Steven Ferri reminded the Committee that the matter before them was the conveyance of a lot.

Quanzi Man (Steve), of 21 Ovida Boulevard, spoke to Steven Ferri's comments regarding consistent lot frontage. It indicated that consistency implies similarity to other lots and reiterated previous comments regarding density and services.

Tupper Wheatly, 9 Willowgate Drive, co-owner of 23 Riverview Avenue, and Vice Chair of the Boyington Heights Ratepayers Association, was in opposition to the application and indicated their comment remained unchanged from the last meeting. Tupper indicated that the applicants had provided examples of severances on Grandview and Riverview as examples of similar previous consents. Tupper stated that the only example of a severance that applied to this context was at 16 Riverview for two lots with 79-foot frontages. The Official Plan policies highlighted by Steven Ferris refer to respecting existing development. The policy consistent lot size with properties on both sides of the street on which the property is located, not within a broad contextual study.

Angie Dornai, 17 Riverview Avenue, requested the minutes to reflect that in her original presentation she spoke of 113-foot lots, not 100-foot lots, as indicated in the minutes. Angie expressed that this proposal was not a good fit for the area. Angie referred to comments regarding previous applications for dwellings heard earlier in the meeting. Large homes on small lots were cited as overbuilt for the area; two smaller houses on 60-foot lots would be underbuilt for Riverview and out of place. The area was not mandated for intensification, and the proposals were not for creating affordable housing. Angie rebutted that the applicant indicated there would be no adverse impacts. Angie highlighted the adverse impacts of a broken-up streetscape and denuding the area. Consideration had not been given to the environmentally sensitive area in the Conservation land and disruptions for park users. The applicant had failed to consider the history of the established neighbourhood or adjacent owners' property values. The lots conveyed at 16 Riverview Avenue had 79-foot frontages and were not similar to the proposed 60-foot frontage lots created through slicing parcels from adjoining lots. The

proposal did not have lot sizes that were slightly different; instead, they were significantly different.

Lorenzo Danesi, 8 Erlane Avenue, stated that the meaning of consistent was standard and unchanged in nature. Lorenzo was building in the neighbourhood on a 100-foot lot and had designed it to meet the by-law standards. Lorenzo expressed that the area was rare and beautiful and should be preserved.

Jeff Stacey, 17 Riverview Avenue, supported other presenter's comments that these were not slightly smaller lots. If approved, the massing of the homes built on lots of this size would not be consistent with the massing of adjacent homes in the immediate area and would not meet the intent of the Official Plan. Jeff indicated that they read the Arborist report. While the tree removal was not the Committee's decision, it could not be said that removing large mature trees would not adversely impact the streetscape and adjacent properties.

Elizabeth Brown, 65 Lincoln Green Drive, had provided written comments, and their position remained unchanged from their previous comments. Elizabeth spoke to the applicant's presentation noting that the Committee was familiar with the policies of the Official Plan and had a process of reviewing the proposal in consideration of the Official Plan. Elizabeth noted that legal counsel providing rebuttal at the Committee level was uncommon and that the Committee did not have the benefit of legal counsel to provide advice regarding response. In their opinion, legal arguments were more appropriate at the provincial Tribunal level in the event of an appeal, and it was unconventional to consider legal arguments in the setting of the Committee.

Jit Patel, 18 Grandview Avenue, supported the application, understanding that the applicant's desires were similar to those of his own family when they sought approval for their application on Grandview Avenue.

Farshad Ghodsian-Zadeh, 56 Lincoln Green Drive, visited the area regularly and supported the application, indicating that there were many 60-foot lots in the area and other severance applications. Therefore, it was good that infill was permitted in keeping 60-foot lot frontage minimums in the by-law.

Shubha Dasgupta, 17 Grandview Boulevard, had previously spoken in support of the application and had taken time to understand the perspectives and the feedback that other residents had presented. Shubha was aware that the proposal was emotionally charged for all residents; however, they noted that not all proposals are motivated by profit. They had moved to the area and built a home to raise a family long-term in the community. Shubha expressed using two existing lots to create three and provide homes for Canadians during a time of housing scarcity. Shubha asked the Committee to consider that progress in development would not impact the area's character and would bring new opportunities.

The Chair asked Steven Ferri to provide further clarity regarding early comments about the draft Zoning Bylaw. Steven reiterated that the draft Zoning By-law was not approved and should not be considered. Steven indicated that the Clergy principle applied to this proposal. It would be against natural justice and procedural fairness to consider anything other than the in-place policies.

The Chair thanked Steven Ferri for the clarification. They indicated familiarity with the Clergy principle and the Divisional Court decision regarding the principle.

Member Gutfreund thanked the community for their input and said they had listened to the community in support and opposition. However, the member noted that the overwhelming response of immediate neighbours had been in opposition. The neighbour assessed that the application was inappropriate and that the reduced lot frontage was not a minor or minimal change for the area. While the proposal by Council in consultation with the community to change the frontage requirement to 75 feet, lots were draft and not yet approved, or in effect, it was the Council's intention for the area. Considering the appropriateness of the application for the area and the immediate neighbours' overwhelming objections, the member could not support the application.

The Chair provided points of clarification, reminding the Committee that this was a consent application and, as such, the four tests used for minor variance did not apply. The Chair pointed out that the City of Markham had numerous planning policies and by-laws that were outdated, and it had been several decades since many of them had been changed. He specified that the authority of the relevance and application of the Clergy principle lies with the Ontario Land Tribunal.

Member Yan indicated that she had experience in Community planning and understood how to do neighbourhood planning. In the member's opinion, neighbourhood planning requires residents' input as they know and understand their communities best. The member listened to the applicant's presentation. However, they were disappointed that the application had returned without changes and with no indication that the recommendation to determine if 75-foot lots could be achieved. The member noted that a professional planning assessment had been carried out for the draft by-law and 75-foot lots had a professional planning recommendation. The proposed 60-foot lots were a drastic change from 113-foot lots. Member Yan also expressed that, in their opinion, the context area defined by Debra Walker was inappropriate, and they felt the geography was too large. From their perspective, this was not a consistent neighbourhood; Drakefield Road and Riverview Avenue had very different contexts. Member Yan disagreed with the assessment being conducted for such a broad area. The member felt strongly that it was essential to preserve some of the elements of the community and felt it was important to maintain larger lot sizes of the area and did not support the application.

Member Reingold had not changed their position from the last meeting. The member indicated that the term intensification loses relevance when applied to every application in every context. Meeting intensification guidelines did not mean a broad brush

approach to every lot on every street, and the member felt the unique characteristics of this street needed to be preserved. Therefore, the member did not support the applications.

Member Sampson agreed with other Committee members that the area was unique and did not support the application.

The Chair agreed with the Committee's comments. The Chair indicated that Steven Ferri correctly stated that the term consistent did not mean equal. However, the term consistent could not be applied to the proposed lots as the proposed lots were not consistent with lot sizes and were too small. As such, the proposal was not consistent with the provisions of the Official Plan that required the lot sizes to be consistent with the lot size of the immediate area and that too broad a study area was considered in the planning documents submitted for the application. Additionally, general intensification principles do not apply in every case.

Member Gutfreund moved for denial.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously denied the application.

THAT Application No. **B/020/21** be **denied**.

10. B/21/21

Owner Name: Moe Nikaïen
Agent Name: MHBC Planning Limited (Debra Walker)
21 Riverview Avenue, Markham
PLAN 4365 LOT 13

The applicant was requesting provisional consent to:

- a)** sever and convey a parcel of land with an approximate lot frontage of 16.09 m (52.79 ft.), and an approximate lot area of 646.87 sq. m. (6,962.85 sq. ft.) (Part 2); and
- b)** retain a parcel of land with an approximate lot frontage of 18.30 m (60.04 ft.), and an approximate lot area of 734.02 sq. m. (7,900.93 sq. ft.) (Part 1).

The purpose of this application was to sever and convey a portion of 21 Riverview Avenue (B/021/21) with the intent to merge this parcel (Part 2) with the severed portion of 19 Riverview Avenue (B/020/21) (Part 3) to facilitate the creation of one new

residential lot which will have a total approximate lot frontage of 18.3 m and a total approximate lot area of 735.76 sq. m. (as noted above in B/020/21).

Member Gutfreund moved for denial.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously denied the application.

THAT Application No. **B/021/21** be **denied**.

Adjournment


Moved by: Tom Gutfreund
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 10:25 pm, and the next regular meeting would be held on October 19, 2022.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment