



CITY OF MARKHAM
Virtual Meeting on Zoom

May 31, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 10th regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 pm
Tom Gutfreund	7:00 pm
Kelvin Kwok	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

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

Regrets

Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: May 17, 2023

The minutes of Meeting No. 09 of the City of Markham Committee of Adjustment, held May 17th, 2023, respectively be:

- a) Approved on May 31st, 2023.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

Carried

REQUESTS FOR DEFERRAL

1. A/078/23

Owner Name: Jeff Jafarpour

Agent Name: Oxnard Development Inc.

Property Address: 83 Elgin Street, Thornhill

Legal Description: PLAN 8 PT LOT 10 RS65R16105 PART 2

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

a) Amending By-law 101-90, Section 1.2 (i):

a building height of 10.45 metres, whereas the By-law permits a maximum building height of 9.8 metres;

b) Amending By-law 101-90, Section 1.2 (iv):

a building depth of 33.0 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

c) Amending By-law 101-90, Section 1.2 (v):

a garage projection of 8.33 metres, whereas the By-law permits a maximum garage projection of 2.1 metres; and

d) By-law 28-97, Section 6.2.4.2 b) i):

a driveway width of 14.0 metres, whereas the By-law permits a maximum driveway width of 9.82 metres.

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

The Chair introduced the application.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund

Seconded By: Patrick Sampson

THAT Application No. **A/078/23** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. A/032/23

Owner Name: Vachik Hagopian
Agent Name: RT Architects (Raffi Tashdjian)
67 Ramona Boulevard, Markham
PLAN 9143 LOT 266

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 building height of 10.10 metres, whereas the By-law permits a maximum building height of 9.80 metres, and
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.95 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

as it related to a proposed single detached dwelling.

The Chair introduced the application.

The agent, Raffi Tashdjian, appeared on behalf of the application.

The owner Chuck Hagopian explained the family's needs and how the requests related to those needs. Chuck indicated he had worked with his architect to find areas that could be reduced. They had exhausted all options and could only make further reductions by significantly impacting the home's functionality for their needs.

Member Gutfreund thanked the applicant for revising the plans according to recommendations made at the previous meeting and stated that the application met the four tests of the *Planning Act*.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/032/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

Applications B/010/23, B/011/23 and B/012/23 were heard concurrently with the discussion recorded under B/010/23.

2. B/010/23

Owner Name: Qiulei Xue
Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)
4 Sabiston Drive, Markham
PLAN 3684 LOT 12

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 19.30 metres and an approximate lot area of 1014 square metres (Part 1); and
- b) retain a parcel of land with an approximate lot frontage of 19.30 metres and an approximate lot area of 1014.20 square metres (Part 2).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one new residential lot.

The Chair introduced the application.

The agent, Jim Kotsopoulos, appeared on behalf of the application. The applicants agreed with the staff report and had worked with Council and staff to enact a site-specific bylaw to facilitate the severance. The bylaw included conveying the valley lands related to 14 River Bend Road.

Member Yan requested a visual context for the lots in the neighbourhood.

Member Gutfreund reflected that Council had indicated their intentions in passing site-specific by-laws for the properties. Member Gutfreund indicated that as a newly created lot, the applicant should be aware of the development standards for the lots concerning designing dwellings that did not require variances.

Member Sampson asked if housing plans had been provided to Council as part of their consideration during the site-specific zoning bylaw review and did the houses comply with the zoning established.

Jim Kotsopoulos explained that residential designs had been presented to Council as part of the package for consideration with the by-law. The designs had been created with the development standards for the site-specific zoning in mind, and the owners were involved in the design and rezoning process.

Member Kwok requested additional information regarding the lands to be conveyed to the City, including use and access.

Jim Kotsopoulos indicated that the existing house at 14 River Bend Road would be demolished, and the lands conveyed to the City would be left in a natural state and accessed through adjacent City-owned lands.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **B/010/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. B/011/23

Owner Name: Xian Yu
Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)
14 River Bend Road, Markham
PLAN 3684 PT LOT 24 PT LOT 25

The applicant was requesting provisional consent to:

- a)** sever and convey a parcel of land to the City of Markham with an approximate lot width of 30.26 metres and approximate lot area of 1159.10 square metres (Part 1);
- b)** sever and convey a parcel of land with an approximate lot frontage of 15.24 metres and approximate lot area of 591.7 square metres (Part 2);
- c)** retain a parcel of land with an approximate lot frontage of 15.24 metres and approximate lot area of 562.70 square metres (Part 3);

The purpose of this application was to create a total of three lots, two lots for residential dwellings and one lot to be conveyed to the City of Markham as an Open Space parcel.

The Chair introduced the application.

The agent, Jim Kotsopoulos, appeared on behalf of the application.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **B/011/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. B/012/23

Owner Name: Zhenchun Lin
Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)
15 River Bend Road, Markham
PLAN 3684 LOT 19

The applicant was requesting provisional consent to:

- a)** sever and convey a parcel of land with an approximate lot frontage of 23.47 metres and approximate lot area of 715.7 square metres (Part 2);
- b)** sever and convey a parcel of land with an approximate lot frontage of 25.36 metres and approximate lot area of 716.6 square metres (Part 3); and
- c)** retain a parcel of land with approximate lot frontage of 36.51 metres and approximate lot area of 791.6 square metres (Part 1);

The purpose of this application is to create a two new residential lots, to facilitate the construction of three new single-detached dwellings.

The Chair introduced the application.

The agent, Jim Kotsopoulos, appeared on behalf of the application.

Member Kwok motioned for approval with conditions.

Moved By: Kelvin Kwok
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **B/012/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/223/22

Owner Name: JASPREET SING MARWAH
Agent Name: Cantam Group LTD. (Yaso Somalingam)
78 Wooten Way, Markham
PLAN M1448 LOT 266

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 50.47 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

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

a maximum height of 10.24 metres, whereas the By-law permits a maximum height of 9.80 metres;

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

The Chair introduced the application.

The agent, Yaso Somalingam, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee. Elizabeth presented the context of the neighbourhood where the requests had been made. Elizabeth spoke regarding the proposal's massing, noting the height of the front porch and the open-to-below areas within the design that contributed to the massing. Elizabeth drew attention to policies in the Official Plan regarding infill development considering the neighbourhood character, massing and scale and existing trees and vegetation. It was noted that the property was a corner lot, and a proposal of this size and massing would have considerable visual predominance on the street.

Debbie Burton, 109 Parkway Avenue, spoke to the Committee and remarked that the proposed height and massing did not respect the area's character. The height, decks and balconies were observable from various points on the street, and the proposed house would have a significant impact on the streetscape and would be particularly evident as the lot faced a school.

The agent explained that the owner wished to meet the needs of a growing extended family. Regarding an alternate front elevation, the owner had expressed their preferences and desired the high arch on the porch and indicated it met the development standards. The interior design and space allocation reflected modern architecture, and the open-to-below area permitted the open ceiling height desired by

the owner. The agent had spoken with staff regarding the design and expressed that the requests met the four tests of the Planning Act and reflected other approvals in the area.

Member Sampson requested that the site statistics be confirmed in relation to the net lot area calculation.

Greg Whitfield confirmed that statistics, as shown on the plans, reflected calculations in relation to the net lot area.

Member Reingold did not agree that the request would be desirable development of the lot as the requests were not minor and could not meet either test. The property was a corner lot, and the design was incompatible with either streetscape. The proposal did not fit within the neighbourhood context, and the proposed scale and massing presented an appearance of grandeur that was out of context for the surrounding area.

Member Gutfreund noted that the house was very large, on a prominent corner, and out of character with the adjacent dwellings. The member indicated that the design needed to be softened to reduce the visual impact on the streetscape in height and block-like massing. The requested variances were outside of the usual relief granted by the Committee, even if only in a minor way; however, given the nature of the design, the requests had been amplified, emphasizing massing. The proposal did not fit within the area's character, and the member indicated that the design should be reconsidered and the requested floor area ratio should be reduced.

Member Yan supported the comments of their colleagues. Member Yan noted that the lot coverage was lower than permitted but assessed that the lower lot coverage did not mitigate the other impacts on the streetscape created by the massing.

Member Sampson agreed with their colleagues.

The Chair noted the prominence of the lot within the area, which was visual from all approaches on both streets. The proposal had considerable massing that would have significant visual impacts in a busy neighbourhood. The justification of desired design did not provide sufficient reasonableness to mitigate the impacts on the neighbourhood.

The Chair asked if the applicant desired to defer the application to address the concerns of the Committee, and the applicant agreed to a deferral.

Member Gutfreund motioned to defer the decision.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. **A/223/22** be **deferred** sine die.

Resolution Carried

6. **A/047/23**

Owner Name: Dorsa Malek
Agent Name: Topdot Inc.
Property Address: 4 Elspeth Place, Thornhill
Legal Description: PLAN M862 LOT 17

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

- a) **Amending By-law 101-90, Section 1.2 (i):**
a maximum building height of 8.5 metres, whereas the By-law permits a maximum flat roof building height of 8 metres;
- b) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 55 percentage, whereas the By-law permits a maximum floor area ratio of 50 percentage;
- c) **By-law 2237, Section 3.7:**
a basement window well encroachment of 56 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required front yard setback.

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

The Chair introduced the application.

The agent, Ida Evangelista, appeared on behalf of the application. The agent noted that the applicant had worked with staff to modify the design to bring the design closer to the development standards and add architectural details related to the streetscape. The applicant had designed the home to minimize environmental impact and protect the trees. The agent indicated that the proposal met the four tests of the *Planning Act*.

The Committee received three written pieces of correspondence.

Walter Chu, of 2 Elspeth Place, asked if the agent could provide details of the visual impacts of the new home as compared to the existing home.

Ida Evangelista detailed the siting of the proposed dwelling on the lot, setbacks from adjoining neighbour's homes and the retention of existing vegetation, indicating that consideration had been given to mitigating impacts such as privacy for the neighbours.

Member Gutfreund expressed that while the proposed home was large, the requested variances were within the scope of requests customarily considered by the Committee.

The floor area ratio represented a 10 percent increase from the development standards and was similar to other requests granted by the Committee in various neighbourhoods. The requested height and window well were minor, and the application met the four tests of the *Planning Act*, and the member agreed with the recommendation in the planning report.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/047/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

8. **A/050/23**
Owner Name: Unionville Pastry Cafe Holdings Limited
Agent Name: STEP Design Studio Inc.
147A Main Street, Unionville
CON 5 PT LT 12 65R19512 PT 1

The applicant was requesting relief from the requirements of By-law 122-72, as amended, to permit:

- a) **By-law 28-97, Section 8.2.2:**
0 parking spaces, whereas the By-law requires 12 parking spaces for the proposed net floor area of 188.37 square metres; and
- b) **By-law 122-72, Section 14.4 b):**
a maximum lot coverage of 78.2 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

as it related to a proposed bakery.

This application was related to a Site Plan Control Application (SPC 22 264435) which was being reviewed concurrently.

The Chair introduced the application.

The agent, Stepan Sukiasyan, appeared on behalf of the application.

Councillor Reid McAlpine spoke to the application, detailing consideration that Heritage Markham and Council had been given to the proposal through other planning applications.

Member Reingold was appreciative of the proposed changes and did not see adverse impacts from the requests, and was supportive of the application as it would bring revitalization to the site.

Member Gutfreund was happy to see a redevelopment proposal for a building that had deteriorated and felt the change was positive and met the four tests of the *Planning Act*.

Member Sampson supported the change to build a new structure to complement the area.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/050/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. A/045/23

Owner Name: 463240 Ontario Limited (Peter LeGrice)
Agent Name: QX4 Investments Ltd. - Consulting Services (Ben Quan)
190 Bullock Drive, Markham
CON 7 PT LOT 12 RS65R7950 PART 2

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

a) By-law 1229, Section 8.1:

a personal service shop (spa), whereas the By-law does not permit such use;

as it relates to a proposed personal service shop.

The Chair introduced the application.

The agent, Ben Quan, appeared on behalf of the application. Ben requested a change to remove the condition of limiting the percentage of floor space for the proposed use. Ben indicated that the property had excess parking and referred to an email from the District Manager acknowledging the request to remove Condition 2.

The Committee received one written piece of correspondence.

Caroline Co Chein, a resident of Markham, spoke to the Committee regarding concerns for the well-being and safety of the employees of a potential personal service business in an industrial plaza.

Member Reingold acknowledged the concerns raised by Caroline Co Chein. However, they felt that, in this instance, the use was reasonable and appropriate for the property in the context of the particular neighbourhood.

Member Kwok supported the application indicating that the plaza had a variety of uses over the past years and that adding personal service uses was reasonable for the area.

Member Gutfreund supported the application, stating it met the four tests of the *Planning Act*. The member agreed with the removal of Condition 2 as requested by the applicant.

Member Gutfreund motioned for approval with conditions as modified.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/045/23** be **approved** subject to conditions as contained in the staff report with the removal of Condition 2.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:29 pm, and the next regular meeting would be held on June 28, 2023.

CARRIED

Original signed June 28, 2023
Secretary-Treasurer
Committee of Adjustment

Original signed June 28, 2023
Chair
Committee of Adjustment