



CITY OF MARKHAM
Virtual Meeting on Zoom

June 28, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 11th, 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
Arun Prasad	7:20 pm
Kelvin Kwok	7:32 pm
Jeannie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment

DISCLOSURE OF INTEREST

None

Minutes: May 31, 2023

THAT the minutes of Meeting No. 10, of the City of Markham Committee of Adjustment, held May 31, 2023 respectively, be:

- a) Approved on June 28, 2023.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

Carried

NEW BUSINESS:

1. A/088/23

Owner Name: Times Property Management Inc. (Andrew Fong)
Agent Name: Malone Given Parsons Ltd. (Rohan Sovig)
15 Water Walk Drive, Markham
PLAN 65M4395 BLK 2

The applicant was requesting relief from the requirements of By-law 2004-196, as amended, to permit:

- a) **Amending By-law 2010-184, Section 6.11.3 a):**
this application seeks the same relief as application No. A/188/17 which was approved with conditions by the Committee of Adjustment on March 14, 2018.

The applicant was re-applying to remove the condition of the minor variance approval requiring 12 additional surface visitor parking spaces to be provided on the adjacent property to the west.

The Chair introduced the application.

The agent Lincoln Lo, appeared on behalf of the application.

Member Sampson noted the matter was technical and agreed with the recommendations in the staff report and motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/088/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/087/23

Owner Name: Gurcharn Gahir
Agent Name: Gurcharn Gahir
37 German Mills Road, Thornhill
PLAN M1411 PT LOT 103 PT LOT 102 RS66R6001 PART 103

The applicant was requesting relief from the requirements of By-law 2571, as amended, to permit:

a) **By-law 2571, Table B:**

a front yard setback of 25 feet and 10 inches to the dwelling, whereas the By-law requires a minimum front yard setback of 27 feet to the dwelling.

as it related to an existing condition for a second-floor addition above the garage.

The Chair introduced the application.

The owner, Gurcharn Gahir, appeared on behalf of the application and provided a history of the construction and the application.

Member Gutfreund agreed with the staff report and motioned for approval with conditions.

Member Sampson requested clarification of the drawings and confirmation that the application had been verified through a zoning review.

Greg Whitfield affirmed that the variance was the only outstanding request related to the permit.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/087/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/057/23

**Owner Name: Beedie ON (Allstate Parkway) Limited Partnership
(Kristina Preece)**

**Agent Name: MHBC Planning Limited (Mr. David McKay)
Allstate Parkway, Markham
PL 65M2695 LOTS 1 AND 2**

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

a) **By-law 165-80, Section 4.7.1(b):**

a minimum landscape strip of 4.0 m along the front of the property, whereas the By-law requires a minimum of 6.0 m;

b) By-law 28-97, Section 3, Table B - Industrial Uses:

164 parking spaces, whereas the By-law requires 338 parking spaces;

as it related to proposed industrial buildings. This application was related to a Site Plan Control Application (SPC 22 259790) which was being reviewed concurrently.

The Chair introduced the application.

The agent, David McKay, appeared on behalf of the application and agreed with the staff report.

Member Reingold supported the application noting the technical nature of the application, the positive staff report and that the property was concurrently undergoing a comprehensive review through site plan control.

Member Yan also supported the application, having considered the recommendations in the staff report, the parking justification study, and the proximity to public transit.

Member Sampson asked if the tenants had been established and how parking needs had been determined without knowing who the tenants would be.

The Chair asked if the units would be condominiums or leased.

Kristina Preece, Beattie ON, indicated that the project had yet to be marketed. The proposed units would be condominiums with parking allocated through the common elements.

The Chair indicated that the condo board would also watch parking uses, and potential owners should only purchase if parking needs were met.

Kristina Peerce indicated that a parking allocation plan was created prior to sales as part of the marketing package.

David McKay further detailed that no retail uses would be associated with the project.

The Chair indicated that the condo board would be responsible for parking uses after construction, and any future buyers would be aware of parking allocations. The parking allocation was established in the bylaw over twenty years ago, and it would be updated in the new comprehensive bylaw to align with current parking demands.

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/057/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/012/19 and A/079/23 were heard concurrently and the record of the discussion can be found under B/012/19.

4. B/012/19

**Owner Name: NHD Properties Limited
Agent Name: Sorbara Group (Herthana Siva)
115 Idema Road, Markham
CON 3 PT LTS 1-2 65R9064 PTS 1-7 65R5415 PTS 1-2 65R9988 PT 1
65R5416 PT 1 41-87 STEELCASE RD**

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 60.96 m and an approximate lot area of 0.73 ha (Part 9 and 10);
- b) retain a parcel of land with an approximate lot frontage of 137.57 m and an approximate lot area of 7.632 ha (Parts 1, 2, 3, 4, 5, 6, 7 and 8);
- c) establish an easement over Part 8, in favour of Parts 9 and 10 for the purpose of access;
- d) establish an easement over Parts 6 and 8, in favour of Parts 9 and 10 for the purpose of utility;
- e) establish easements over Part 9, in favour of Parts 4, 5, 6, 7, and 8 for the purpose of access and utility;
- f) establish easements over Parts 9 and 10, in favour of Parts 4, 5, 6, 7, and 8 for the purpose of maintenance and servicing;
- g) establish easements over Parts 4, 5, 6, 7, and 8 in favour of Parts 9 and 10 for the purpose of maintenance and servicing.

The purpose of this application was to sever and create two new industrial lots and to create right-of-way easements for the purpose of repair, maintenance and other associated services for the water line servicing, and storm drainage from Idema Road and the subject lands. This application was related to minor variance application(s) A/074/19.

The Chair introduced the application.

The agent, Herthana Siva, appeared on behalf of the application. Herthana presented the application and indicated that there were no proposed changes to site conditions, construction or use.

The Committee received three written pieces of correspondence.

Robert Riopelle of Smith and Long spoke to the Committee and provided a history of their company's tenancy and path to property ownership.

Member Gutfreund agreed with the staff report noting the requirements for consent and minor variances had been met and recommended approval.

Member Yan supported the application noting the variances related to existing conditions, and asked the agent to confirm that the current parking arrangements would be maintained.

Member Kwok requested the agent clarify how variance (f) the parking agreement would be achieved.

Herthana Siva indicated that the encroachment agreement was currently being undertaken, and a condition of the variance was to provide the agreement.

Greg Whitfield confirmed that if the agreement was not finalized, the applicant must return with an alternate variance request to address reduced parking standards.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund

Seconded By: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **B/012/19** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/074/19

Owner Name: NHD Properties Limited

Agent Name: Sorbara Group (Herthana Siva)

115 Idema Road, Markham

CON 3 PT LTS 1-2 65R9064 PTS 1-7 65R5415 PTS 1-2 65R9988 PT 1

65R5416 PT 1 41-87 STEELCASE RD

The applicant was requesting relief from the requirements of By-law 108-81, as amended, to permit:

- a) **Section 6.1:**
a minimum lot area of 0.73 ha, whereas the By-law requires a minimum lot area of 0.8 ha when the parcel of land is abutting a provincial highway;
- b) **Section 4.7.1 (b):**
an existing landscape strip of 0.0 m, whereas the By-law requires a minimum landscape strip of 6.0 m immediately abutting the street line (Idema Road);
- c) **Section 4.7.1 (a):**
an existing landscape strip of approximately 1.8 m, whereas the By-law requires a minimum landscape strip of 9.0 m immediately abutting a provincial highway;
- d) **Section 4.5.2:**
a minimum loading space height clearance of 3.05 m, whereas the By-law requires a loading space minimum height clearance of 4.2 m in height;
- e) **Parking By-law 28-97, Section 6.1.2 (a):**
a required parking space size length of 5.3 m for 30 parking spaces, whereas the By-law requires each parking space to have a minimum length of 5.8 m;
- f) **Parking By-law 28-97, Section 3.0 Table B: Non-Residential Uses:**
28 parking spaces to encroach into the neighbouring lot (85 Idema Road), whereas the By-law requires that no person shall use any land, building or structure in any zone for any purpose permitted in this By-law, unless all parking are provided on the same lot;
- g) **Parking By-law 28-87, Sections 5.1 & 6.1.2:**
one (1) accessible parking space with a minimum size of 2.8 m x 5.3 m, without a 1.5 m wide access aisle adjacent to the parking space on site, whereas the By-law requires three (3) accessible parking spaces being 5 percent of the total required parking spaces having a minimum size of 2.6 m x 5.8 m, with a 1.5 m wide access aisle adjacent to the parking space on site; and,
- h) **Parking By-law 28-97, Section 3.0 Table B:**
a minimum of 51 parking spaces, whereas the By-law requires a minimum of 52 parking spaces;

as it related to an existing industrial building. This file was also related to consent application B/012/19.

Member Yan motioned for approval with conditions.

Moved By: Sally Yan

Seconded By: Kelvin Kwok

The Committee unanimously approved the application.

THAT Application No. **A/074/19** be **approved** subject to conditions contained in the staff report.

Resolution Carried

PREVIOUS BUSINESS

6. A/030/23

Owner Name: Jinchong Cao
Agent Name: LHW Engineering (Lihang Wang)
78 Southdale Drive, Markham
PLAN 7326 LOT 28

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

- a) **By-law 99-90, Section 1.2(ii):**
a depth of 17.53 m, whereas the By-law permits a maximum of 16.8 m; and
- b) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 50.11 percent, whereas the By-law permits a maximum of 45 percent;

as it related to a proposed second storey addition and porch.

The Chair introduced the application.

The agent, Tony of LHW Engineering, appeared on behalf of the application and presented the revised proposal.

The Committee received three written pieces of correspondence.

Member Gutfreund asked for clarification regarding the front entrance elevation and the railing over the garage. Member Gutfreund indicated that the changes had created a greater sense of massing at the front of the house.

The agent shared an alternate plan to soften the appearance at the streetscape by changing the roof line and stated that the roof could be changed to a pitched roof and the door sill lowered.

The Chair spoke to the revision, indicating that the reduced numbers had yet to address the previous concerns and had further emphasized the massing of the building at the streetscape.

Member Reingold agreed with the Chair, indicating that the revised plans had not addressed the concerns and accentuated the massing.

The Chair recommended the additional massing be moved to the rear of the house.

Member Yan remained concerned regarding the requested floor area ratio and indicated that the application needed a floor area ratio lower than 50 percent, as advised at the previous meeting. Member Yan indicated that the design elements of the first proposal were preferable to the current proposal but the original proposal needed to be reduced.

Member Gutfreund recommended a deferral to allow the applicant to return with revisions incorporating the changes as discussed.

Tony agreed to the deferral.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. **A/030/23** be **deferred** sine die.

Resolution Carried

7. A/038/23

Owner Name: 1000183958 Ontario Inc. (Grumeet Minhas)
Agent Name: Zero Degree Studio Inc. (Roy Chan)
41 Galsworthy Drive, Markham
PLAN 4949 LOT 47

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

- a) **By-law 99-90, Section 1.2(i):**
a maximum building height of 10.1 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **By-law 99-90, Section 1.2(iii):**
a maximum depth of 19.91 metres, whereas the By-law permits a maximum of 16.80 metres;

c) By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 51.33 percent, whereas the By-law permits a maximum of 45 percent.

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

The Chair introduced the application.

The agent, Roy Chan, appeared on behalf of the application and requested the Committee review requests as a new submission.

The Committee received two written pieces of correspondence.

Member Reingold indicated that the design was appropriate for the neighbourhood and had included many desirable architectural elements. However, Member Reingold expressed that the house was still very large and asked the agent for a further reduction in size.

Roy Chan indicated that some areas of the house that were included in the floor area ratio were inaccessible spaces in the attic.

Member Yan recognized that the floor area ratio included porches, attic space and the vaulted ceiling (not open to below), which were not accessible. Member Yan indicated that the design was sensible for the street, and the proposal had been scaled down with the massing blended into the building.

Member Gutfreund felt the design fit the community. However, the house was still very large, and the requested variances were over those normally approved by the Committee. Member Gutfreund expressed concern that approving the variances would generate future comments and requests for similar variances within the neighbourhood based on precedence.

Member Sampson pointed out that the proposal was a large house on a large lot with a greater floor area than presented when the excluded open-to-below areas were added to the calculation. Member Sampson noted the positioning of the lot adjacent to the school had a moderating effect on the appearance of the home. The member expressed that the design was pleasant and suitable for the area.

Member Gutfreund concurred with Member Sampson that the positioning of the home provided some balance to the scale. Member Gutfreund challenged the indication of the agent that the homeowner had scaled back the proposal as far as could be achieved while still meeting the family's needs, noting that without the option of a minor variance, the home would have to be scaled back even further to comply with the standards. The design was pleasing, but Member Gutfreund remained concerned that if granted, it would be raised by future applicants as precedent and the home needed to align with the neighbourhood's character.

The Chair indicated that the Committee had worked hard to maintain a reasonable standard within the City concerning massing and cumulative impacts. The Committee had strived to achieve an equitable threshold for requested increases, ensuring that applications remained below the 50 percent floor area ratio in this area, and by altering that position, the Committee would be setting a precedent. The home was not in character with the smaller homes of the street and surrounding area. The design could be altered to lower the massing while achieving the desired spaces. The requests were not minor, and the cumulative impacts of the massing were not desirable.

Member Gutfreund concurred with the Chair that approval of the application would be seen as setting a precedent that could impinge on this and future Committees' decisions.

The Chair noted the favourable staff report; however, they also referred to public input from the Community Association that did not support the application, which had been received as a written submission and needed to be considered in the decision-making process.

Member Gutfreund noted that the Committee members all agreed they liked the design. However, the proposed floor area ratio request was not minor, and the member disagreed with the assessment of the staff report. Member Gutfreund indicated that the design was appropriate but should be reduced to a floor area ratio of 50 percent or less and suggested the applicant consider a deferral to modify the plans.

The Chair confirmed that the agent agreed to a deferral.

The Chair expressed that the property's location was highly visible and the massing was of concern and that the floor area ratio was higher than would normally be considered; the size was outside of the area's character and would have impacts on the surrounding neighbourhood.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. **A/038/23** be deferred sine die.

Resolution Carried

Adjournment

Moved by: Arun Prasad
Seconded by: Patrick Sampson

Committee of Adjustment Minutes
Wednesday June 28, 2023

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:39 pm,
and the next regular meeting would be held on July 12, 2023.

CARRIED

original signed July 12, 2023
Secretary-Treasurer,
Committee of Adjustment

original signed July 12, 2023
Chair