



CITY OF MARKHAM
Virtual Meeting on Zoom

July 12, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 12th 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
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

Regrets

Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: June 28, 2023

THAT the minutes of Meeting No. 11, of the City of Markham Committee of Adjustment, held June 28, 2023 respectively, be:

- a) Approved on July 12, 2023.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

Carried

REQUESTS FOR DEFERRAL

1. A/063/23

Owner Name: Yorktech Supply Ltd (Daniel Yeung)
Agent Name: Tacoma Engineers Inc. (Chris Lahn)
230 Yorktech Drive, Markham
CON 4 PT LOT 9 RS65R10042 PT OF PART 1 & PART 2

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

- a) **By-law 165-80, Section 4.5.3(a):**
loading spaces and overhead vehicular doors in a yard or wall of any building which adjoins or faces a street, whereas the By-law does not permit the location;
- b) **By-law 165-80, Section 5.2(d)(ii):**
a minimum interior (east) side yard setback of 3m, whereas the By-law requires a minimum of 6m;
- c) **By-law 165-80, Section 5.2(d)(iii):**
a minimum rear yard setback of 3.19m, whereas the By-law requires a minimum of 12m; and
- d) **Parking By-law 28-97, Section 3 Table B:**
32 parking spaces, whereas the By-law requires 47 spaces;

as it related to a proposed industrial building.

This application was related to a Site Plan Control Application (SPC 23 119531) which was reviewed concurrently.

The Chair introduced the application.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Jeamie Reingold

THAT Application No. **A/063/23** be **deferred** sine die.

Resolution Carried

2. A/204/22

Owner Name: Vanessa Locilento
Agent Name: David Johnston Architect Ltd. (David Johnston)
4 Grenfell Crescent, Markham
PLAN 5160 LOT 4

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 20.14 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 52.3 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 agent, David Johntson, appeared on behalf of the application.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Jeamie Reingold

THAT Application No. **A/204/22** be **deferred** sine die.

Resolution Carried

3. B/003/22

Owner Name: QING ZHAO
Agent Name: Archizoning Design Inc. (Lei Zhang)
10729 Victoria Square Boulevard, Markham
PLAN 184 LOTS 25-27

The applicant was requesting provisional consent to:

- a) **Sever and convey** a parcel of land with an approximate lot frontage of 23.38 metres (76.70 feet) and an approximate lot area of 1,109.0 square metres (11,937.18 square feet) (Part 2);

- b) **Retain** a parcel of land with an approximate lot frontage of 23.39 metres (76.73 feet) and an approximate lot area of 1,094.8 square metre (11,785 square feet) (Part 1);

as it related to the creation of a new residential lot.

This application was related to Minor Variance Applications A/077/23 and A/079/23 which were reviewed concurrently.

The Chair introduced the application.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

THAT Application No. **B/003/22** be **deferred** sine die.

Resolution Carried

4. A/077/23

Owner Name: QING ZHAO
Agent Name: Archizoning Design Inc. (Lei Zhang)
10729 Victoria Square Boulevard, Markham
PLAN 184 LOTS 25-27

The applicant was requesting relief from the requirements of By-law 83-73, as amended, to permit:

- a) **Section 8.2(a):**
a minimum lot frontage of 23.38 metres (76.70 feet), whereas the By-law requires a minimum lot frontage of 100 feet (30.48 metres);
- b) **Section 8.2(b):**
a minimum lot area of 1,109.0 square metres (11,937.18 square feet), whereas the By-law requires lot area of 22,000 square feet (2,043.87 square metres);

as it related to a new residential lot with new proposed development.

This application was related to Consent Application B/005/23 and Minor Variance Application A/079/23 which were reviewed concurrently.

The Chair introduced the application.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

THAT Application No. **A/077/23** be **deferred** sine die.

Resolution Carried

5. A/079/23

Owner Name: QING ZHAO
Agent Name: Archizoning Design Inc. (Lei Zhang)
10729 Victoria Square Boulevard, Markham
PLAN 184 LOTS 25-27

The applicant was requesting relief from the requirements of By-law 83-73, as amended, to permit:

- a) Section 8.2(a):**
a minimum lot frontage of 23.39 metres (76.73 feet), whereas the By-law requires a minimum lot frontage of 100 feet (30.48 metres);
- b) Section 8.2(b):**
a minimum lot area of 1,094.8 square metre (11,785 square feet), whereas the By-law requires a minimum lot area of 22,000 square feet (2,043.87 square metres);
- c) Section 8.2(c):**
a minimum rear yard setback of 15 feet (4.57 metres), whereas the By-law requires a minimum rear yard setback of 25 feet (7.62 metres);

as it relates to a new residential lot with an existing heritage dwelling.

This application was related to Consent Application B/005/23 and Minor Variance Application A/077/23 which are being reviewed concurrently.

The Chair introduced the application.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No. **A/079/23** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. A/206/22

Owner Name: Fan Yang
Agent Name: Michael Mao
30 Arrowflight Drive, Markham
PLAN 5810 LOT 59

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 49.60 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 agent, Victor Guitberg, appeared on behalf of the application.

The Committee received four written pieces of correspondence.

Member Gutfreund thanked the applicant for considering the Committee's comments from the last meeting and reducing the floor area ratio. The member appreciated the redesign expressing that it would be compatible with the neighbourhood. Member Gutfreund agreed with the staff report and indicated it met the four tests of the *Planning Act*.

Member Reingold agreed with their colleagues' assessment noting that the redesign was desirable and appropriate development for the property.

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/206/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

1. A/056/23

Owner Name: Taran Developments Inc. (Joe Rubino)
Agent Name: TAES Architects Inc. (Shenshu Zhang)
1 Stone Mason Drive, Markham
PL 65M2087 LT 105

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

a) By-law 153-80, Section 11.1:

a Recreational Establishment whereas a Recreational Establishment use is not permitted;

as it related to a proposed indoor golf training centre.

The agent, Shenshu Zhang, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Sampson did not object to the use but requested the applicant provide information regarding the timing of the application as the business had been in operation the previous year.

The agent explained that the renovations had occurred without a permit and that their company had been engaged to bring the property into compliance. In reviewing the plans, it was determined that a minor variance application was required for zoning compliance.

Member Yan understood the need to provide alternate uses within the local plaza to attract new businesses and increase occupancy. Member Yan indicated that indoor golf training centers were a newer use and requested information regarding the hours of operation as the plaza was located within a residential area.

The agent indicated that the facility would operate during daytime and evening hours with higher anticipated attendance during the winter when outdoor facilities would be inaccessible.

Member Reingold requested information regarding the number of patrons the facility could accommodate and if there would be any sales of food or beverages.

The agent indicated that the maximum capacity was twelve patrons, and the facility would not have any food sales.

Member Reingold supported the application indicating that the renovations would be internal only with no changes to the exterior of the building or parking, the use would

have no adverse impacts on the community and would provide a positive recreational opportunity.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/056/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/024/21, A/191/21 and A/101/23 were heard concurrently, the record of the discussion can be found under B/024/21.

2. B/024/21

Owner Name: Davinder Singh
Agent Name: Harper Dell & Associates Inc. (Nicholas Dell)
10248 9th Line, Markham
CON 8 PT LOT 22

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land with an approximate area of 7,800.1 square metres (Part 2), to be merged with a parcel of land (Part 3) and create a lot with an approximate area of 11,354.9 square metres (1.135 hectares) and approximate frontage of 111.9 metres;
- b) retain** a parcel of land with an approximate lot frontage of 71.36 metres and an approximate lot area of 6,974.30 square metres (0.697 hectares) (Part 1).

The purpose of this application was for a lot line adjustment and to rectify a boundary issue resulting from a merger of the above parcels as a result of a mortgaging error.

This application was related to Minor Variance Applications A/191/21 and A/101/23.

The Chair introduced the application.

The agent, Nicholas Dell, appeared on behalf of the application. The application was to correct an accidental merger of the properties created through a mortgage error, and modest lot line adjustments were proposed to improve the lot patterns. All the variances except for one were for existing conditions.

Member Gutfreund recognized that errors occurred, and the title merged and had no objections to the correction of the title. However, member Gutfreund requested additional information regarding the Sea Can Containers' compliance on the property.

The agent could not confirm if the Sea Can Containers were zoning compliant but advised that they would accept adding a condition to confirm zoning compliance.

Greg Whitfield confirmed that a condition could be added to the consent conditions to confirm zoning compliance.

The Chair confirmed with the applicant that they wished to proceed with a condition rather than defer to determine if an additional variance was required and return later.

The agent indicated that they did not have a mandate to request deferral and felt they could achieve zoning compliance within two years.

Member Gutfreund acknowledged the agent's request to move forward and determine the zoning compliance during the two-year period for clearance of conditions under provisional consent.

The following condition was proposed:

Confirmation of zoning compliance related to the existing sea-can containers located on the lot be provided by Building Standards through the submission of a Zoning Preliminary Review Application, and the Secretary-Treasurer receive written confirmation of compliance to the satisfaction of the Zoning Supervisor or designate.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Sally Yan

The Committee unanimously approved the application.

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

Resolution Carried

3. A/191/21

Owner Name: Davinder Singh
Agent Name: Harper Dell & Associates Inc. (Nicholas Dell)
10248 9th Line, Markham
CON 8 PT LOT 22

The applicant is requesting relief from the requirements of By-law 304-87, as amended, to permit:

- a) **Section 5.5:**
a minimum building setback of 25.24 metres from the centerline of any arterial road or provincial highway, whereas the By-law permits a minimum building setback of 40 metres from the centerline of any arterial road or Provincial highway.
- b) **Section 7.5(b):**
a minimum front yard setback of 5.18 metres, whereas the By-law permits a minimum front yard setback of 7.5 metres.
- c) **Section 7.5(a)(ii):**
a minimum lot area of 0.697 hectares, whereas the By-law requires a minimum lot area of 0.8 hectares.

As it related to a lot line adjustment for the existing residential lot. This application was related to Consent Application B/024/21 and Minor Variance Application A/101/23 which were reviewed concurrently.

The Chair introduced the application.

The agent, Nicholas, appeared on behalf of the application.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson

Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/191/21** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/101/23

Owner Name: Davinder Singh

Agent Name: Harper Dell & Associates Inc. (Nicholas Dell)

10268 9th Line, Markham

CON 8 PT LOT 22

The applicant is requesting relief from the requirements of By-law 304-87 as amended, to permit:

a) **Section 5.5:**

a minimum building setback of 31.53 metres from the centerline of any arterial road or provincial highway, whereas the By-law permits a minimum building setback of 40.0 metres from the centerline of any arterial road or Provincial highway.

as it related to a lot line adjustment for the existing residential lot. This application was related to Consent Application B/024/21 and Minor Variance Application A/191/21 which were being reviewed concurrently.

The Chair introduced the application.

The agent, Nick Dell, appeared on behalf of the application.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/101/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 7:51 pm, and the next regular meeting would be held on July 26, 2023.

CARRIED

Original Signed July 26, 2023
Secretary-Treasurer
Committee of Adjustment

Original Signed July 26, 2023
Chair
Committee of Adjustment