

# Memorandum to the City of Markham Committee of Adjustment

July 11, 2023

**File:** A/223/22  
**Address:** 78 Wootten Way North, Markham  
**Applicant:** Cantam Group LTD. (Yaso Somalingam)  
**Agent:** Cantam Group LTD. (Yaso Somalingam)  
**Hearing Date:** Wednesday, July 26, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

**a) 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,

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

a maximum height of 10.09 metres, whereas the By-law permits a maximum height of 9.80 metres.

## BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the May 31, 2023 hearing, for the applicant to address the Committee’s concern over the floor area ratio variance of 50.47% (Refer to Minutes - Appendix “D”). In revising the proposal, the applicant has also reduced the requested height variance. The initial variances requested are identified in the May 17, 2023 Staff Report (Appendix “C”).

## COMMENTS

On June 21, 2023, the applicant submitted revised drawings reducing the floor area by 3.55 m<sup>2</sup> (38.2 ft<sup>2</sup>), to now propose a floor area ratio of 49.95%. The applicant has also reduced the requested height variance by 0.15m (0.49 ft), proposing a maximum building height of 10.09 m (33.10 ft). The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development.

The revised floor area ratio variance will facilitate the construction of a two-storey detached dwelling with an approximate total gross floor area of 344.0 m<sup>2</sup> (3,702.79 ft<sup>2</sup>). This is an increase of 34.12 m<sup>2</sup> (367.26 ft<sup>2</sup>) above the maximum permitted floor area ratio of 45%. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent

homes, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Staff remain of the opinion that the proposed floor area ratio and building height will not result in an overdevelopment of the site.

### **PUBLIC INPUT SUMMARY**

As of July 12, 2023, the City received seven (7) letters of support. 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.

### **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 variances requested 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 zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/223/22**

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, 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.

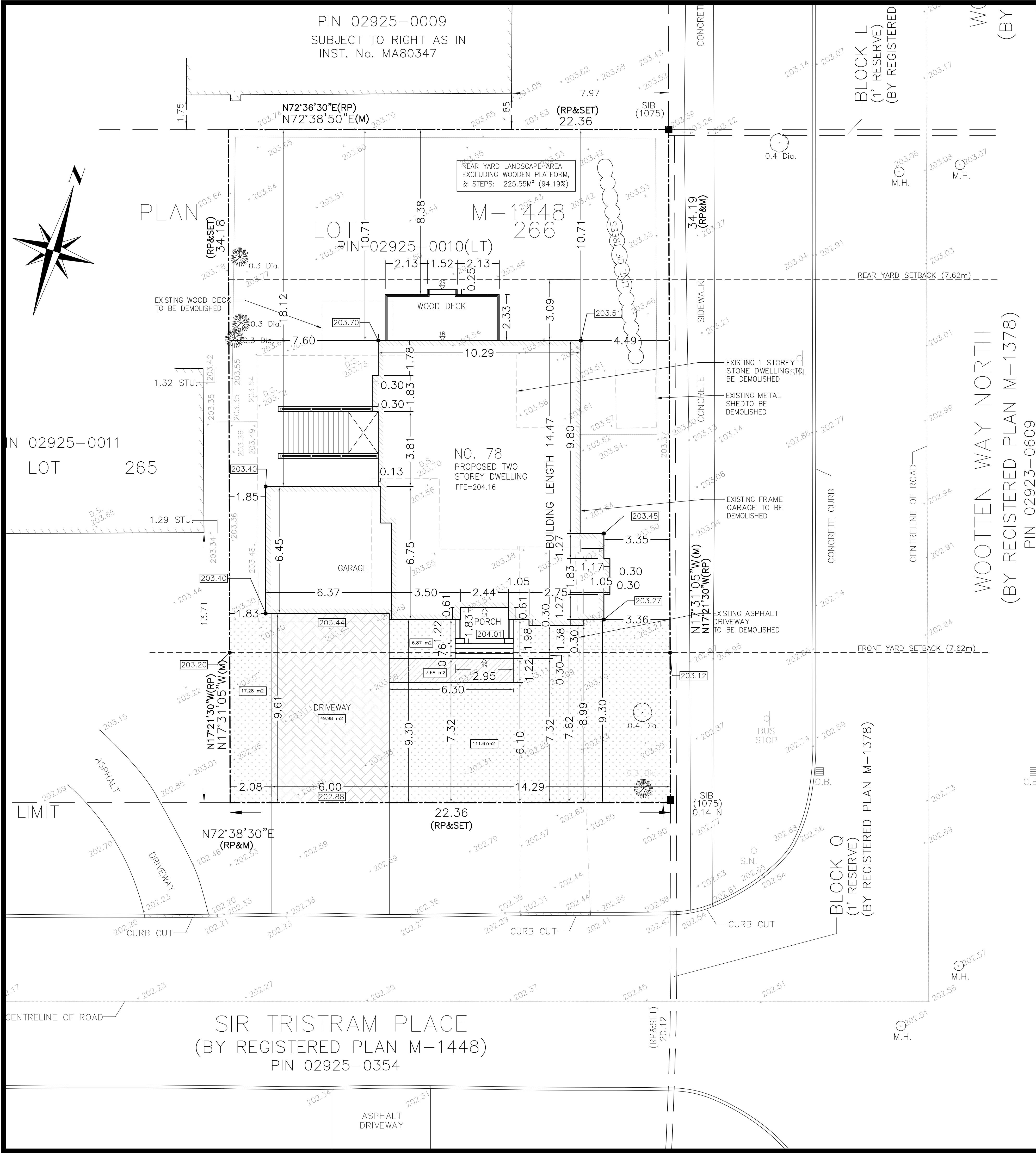
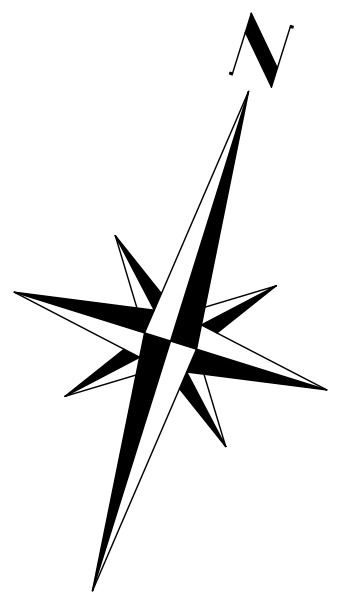
CONDITIONS PREPARED BY:



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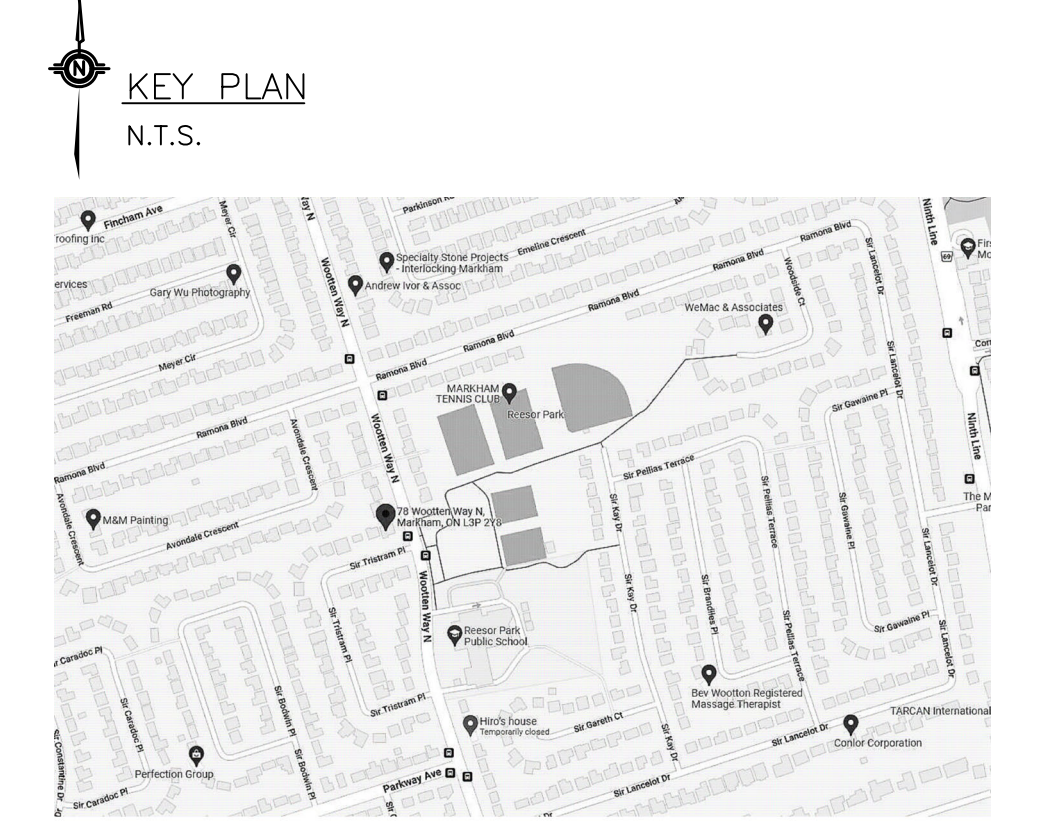
**SURVEYOR'S REAL PROPERTY REPORT**  
 PART 1 – PLAN OF SURVEY OF  
 REGISTERED PLAN M-1448  
 CITY OF MARKHAM LOT 266  
 REGIONAL MUNICIPALITY OF YORK  
 METRIC  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048



SITE DATA: 78 WOOTTEN WAY NORTH, MARKHAM - ON

NEW ZONING CITY OF MARKHAM : R1 RESIDENTIAL By-law 1229 AS AMENDED BY 99-90

	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	613.16 sq. m.	764.12 sq. m.	
MIN. LOT FRONTAGE:	18.28 m	22.36 m	
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		188.03 sq. m.	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		155.97 sq. m.	
TOTAL GROSS FLOOR AREA:	309.88 sq. m.	344.00 sq. m.	
GROSS FLOOR AREA %:	45.00 %	49.95%	C.O.A REQ
BUILDING FOOTPRINT AREA INCLUDING GARAGE:		188.02 sq. m.	
BUILDING FOOTPRINT AREA %:	35.00 %	24.60 %	
MIN. FRONT YARD SETBACK:	7.62 m	9.00 m	
MIN. SIDE YARD RIGHT SIDE (FACING STREET):	3.05 m	3.35 m	
MIN. SIDE YARD LEFT SIDE:	1.82 m	1.83 m	
MIN. REAR YARD SETBACK:	7.62 m	10.71 m	
MAX. DWELLING UNIT LENGTH:	16.80 m	14.47 m	
MAXIMUM HEIGHT - FROM CROWN OF ROAD TO HIGHEST RIDGE OF SLOPED ROOF:	9.80 m	10.09 m	C.O.A REQ



NO.	REVISIONS	DATE
4	REVISED HEIGHT AS PER PLANNING	05/09/2023
3	ISSUED FOR COA	10/13/2022
2	REVISED AS PER CITY COMMENTS	10/11/2022
1	ISSUED FOR ZONING CERTIFICATE	08/24/2022

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

78 WOOTTEN WAY N.

LANDSCAPE CALCULATION FOR FRONT YARD

A	TOTAL FRONT YARD =	206.07 SQ. M.	2218.117 SQ. FT.
B	DRIVEWAY AREA =	57.63 SQ. M.	620.3236 SQ. FT.
C	LANDSCAPE AREA =	148.44 SQ. M.	1597.793 SQ. FT.
D	% OF TOTAL FRONT YARD =		72.03 %
E	HARD LANDSCAPE AREA =	9.93 SQ. M.	106.8855 SQ. FT.
F	SOFT LANDSCAPE AREA =	138.51 SQ. M.	1490.908 SQ. FT.
G	% OF TOTAL SOFT LANDSCAPE =		93.31 %

LANDSCAPE LEGEND

	GREEN LANDSCAPE
	WALK WAY
	DRIVE WAY PAVING

**SITE PLAN**  
 SCALE: 1 : 100

**NOTE:**

SITE INFORMATION HAS BEEN TAKEN FROM SURVEY PREPARED BY "Z.ZENG", ONTARIO LAND SURVEYOR, MANDARIN SURVEYORS LIMITED, 2400 MIDLAND AVE., #121, SCARBOROUGH, ONT, M1S 1X7, PHONE (647) 430-1366, EMAIL MANDARINSURVEYOR@GMAIL.COM, RECEIVED IN FORMAT AS DWG. CAD NO. 22-010SRPR

PROJECT COORDINATOR:

**CANTAM**  
 Group Ltd.

PLANNING & BUILDING CONSULTANTS  
 850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
 TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

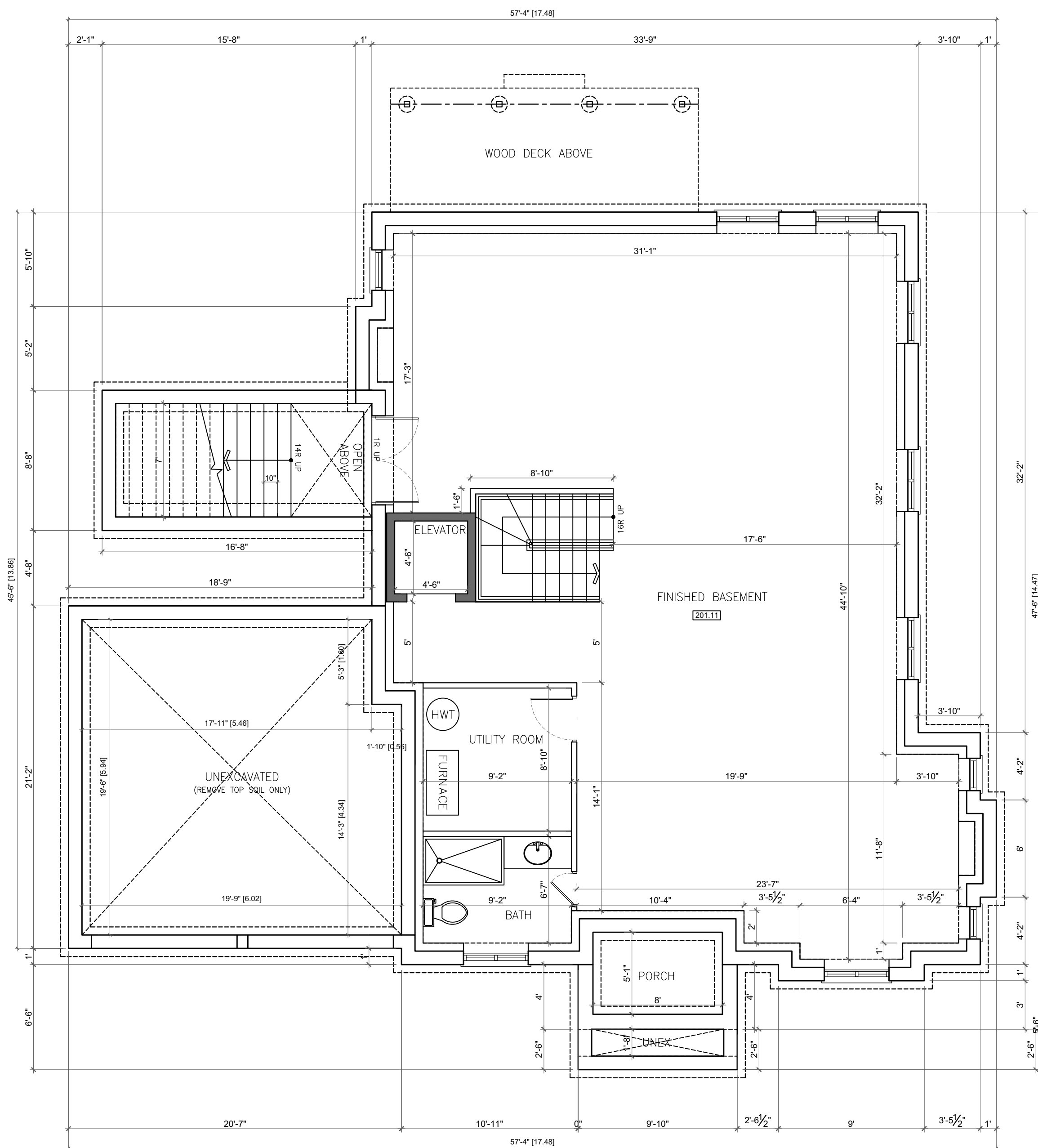
PROJECT:

**PROPOSED TWO STOREY RESIDENCE**  
 AT 78 WOOTTEN WAY N.  
 MARKHAM, ON

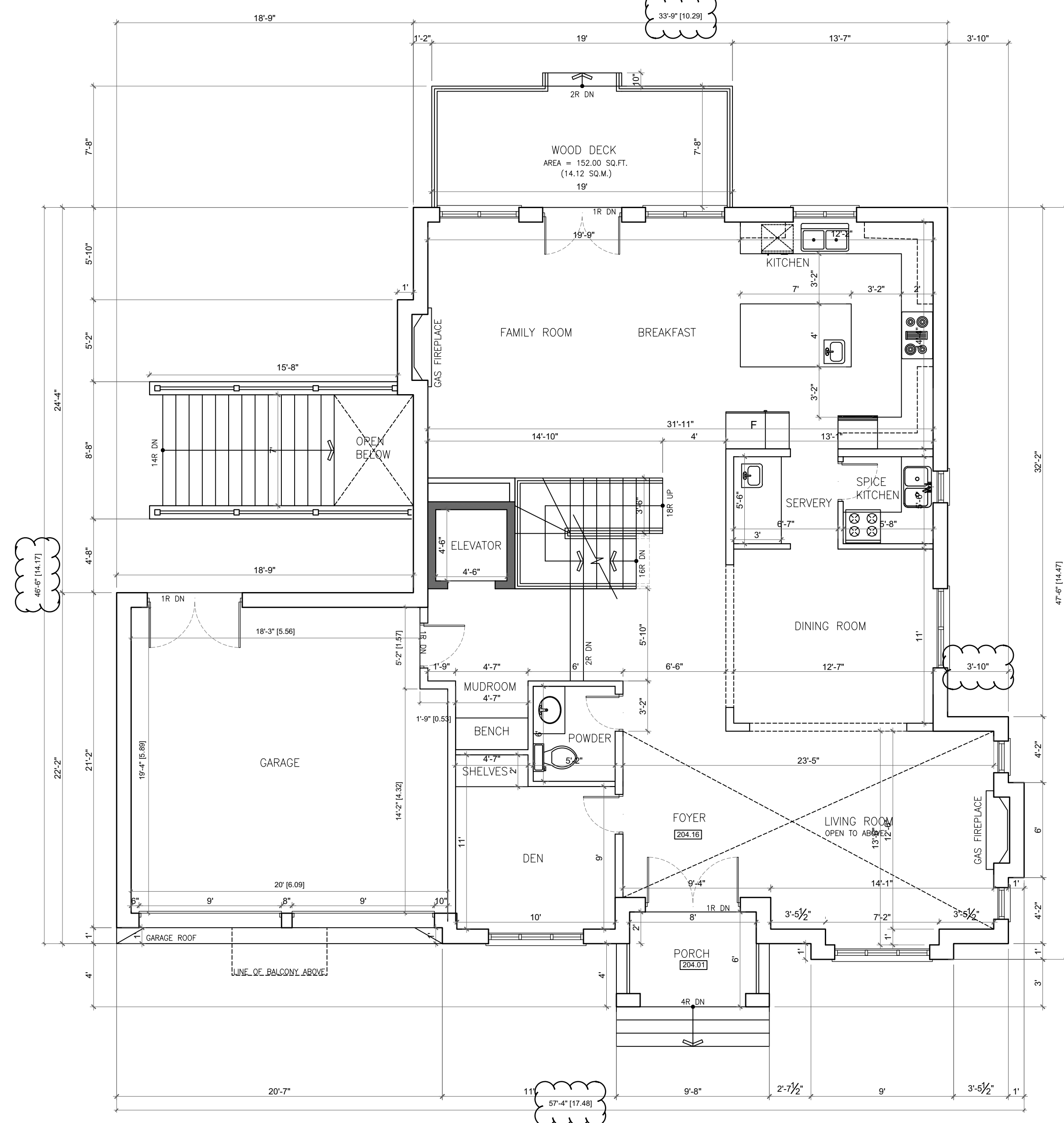
DRAWING:

**SITE PLAN**

DATE: 09/07/2022	DRAWING NO. <b>A1</b>
SCALE: AS NOTED	
DRN: SPENCER	CKD: YASO



**BASEMENT FLOOR PLAN**  
 SCALE : 3/16"=1'



**GROUND FLOOR PLAN**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
2	ISSUED FOR COA	10/20/2022
1.	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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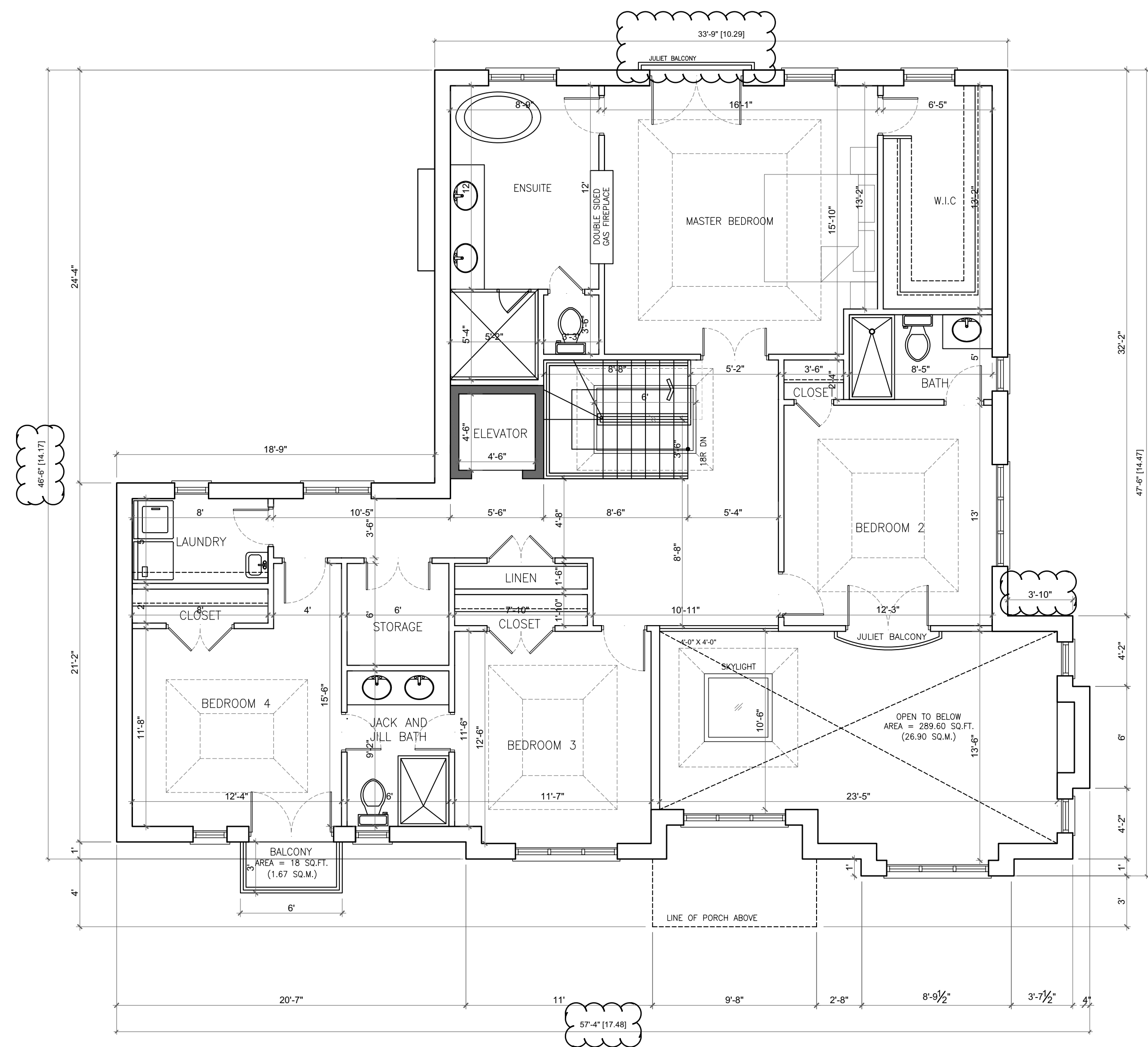
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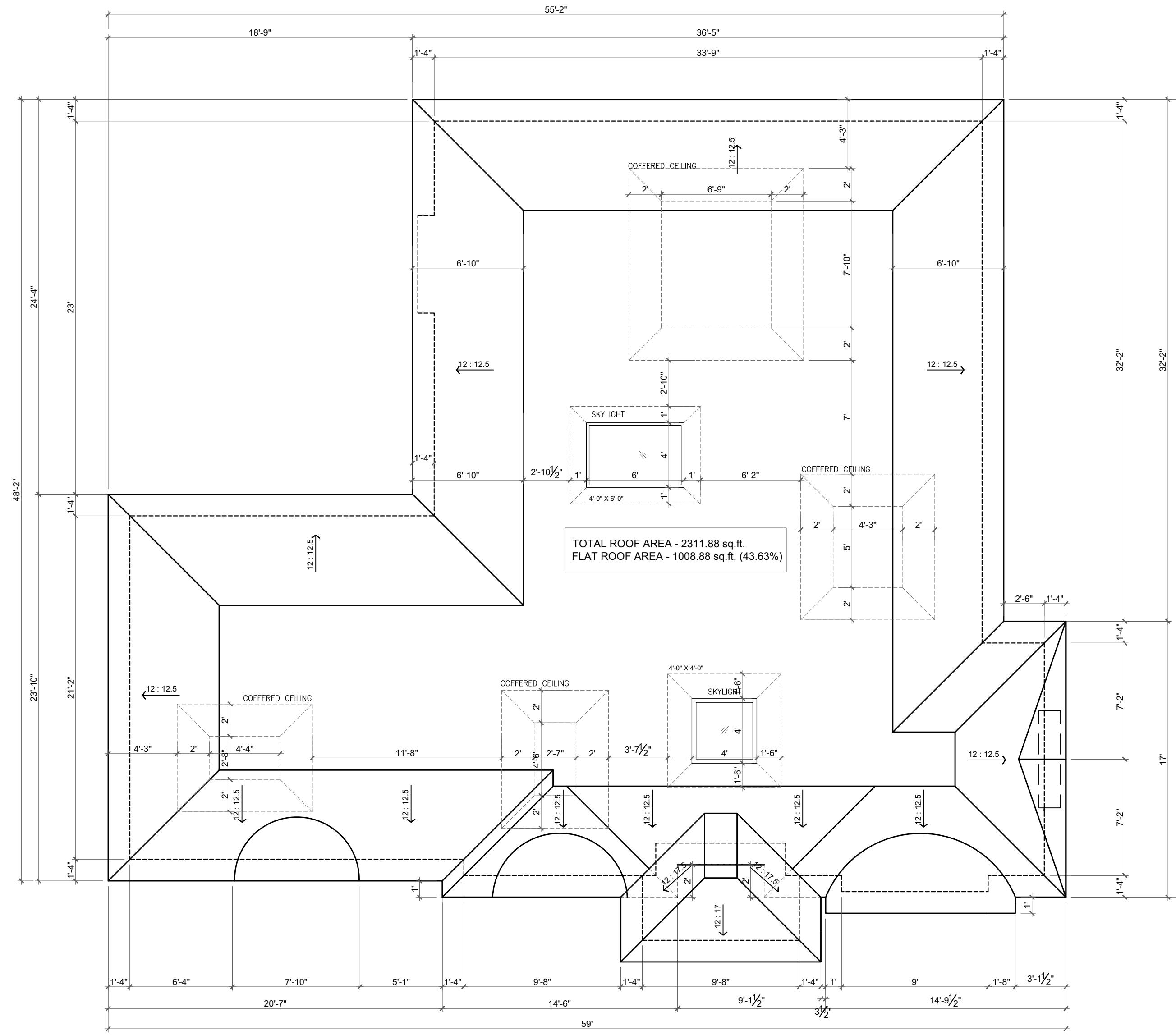
DRAWING:  
**BASEMENT & GROUND FLOOR PLAN**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO. **A2**



**SECOND FLOOR PLAN**  
 SCALE : 3/16"=1'



**ROOF PLAN**  
 SCALE : 3/16"=1'

TOTAL ROOF AREA - 2311.88 sq.ft.  
 FLAT ROOF AREA - 1008.88 sq.ft. (43.63%)

NO.	REVISIONS	DATE
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1.	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

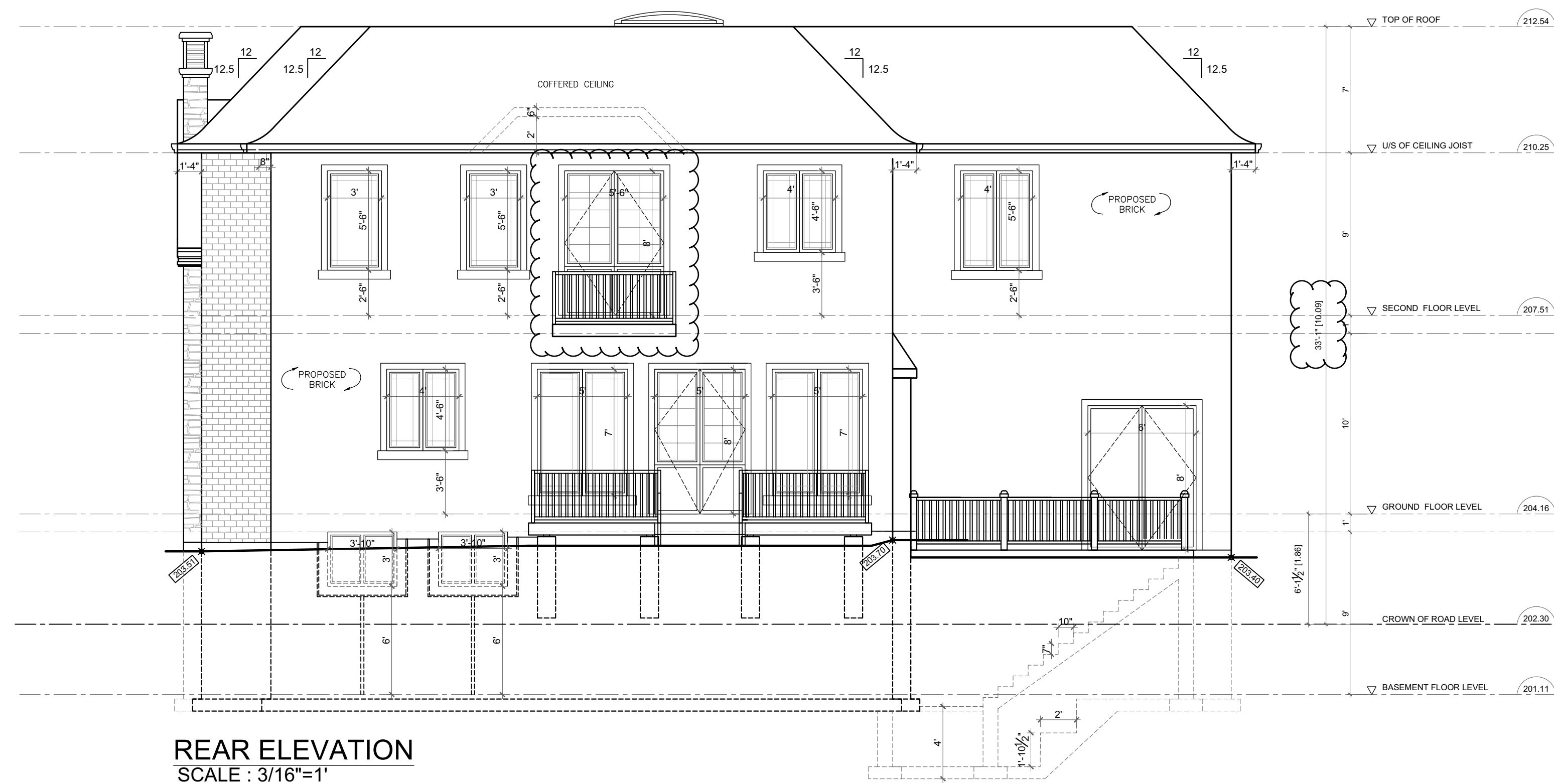
DRAWING:  
**SECOND FLOOR AND ROOF PLAN**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A3**



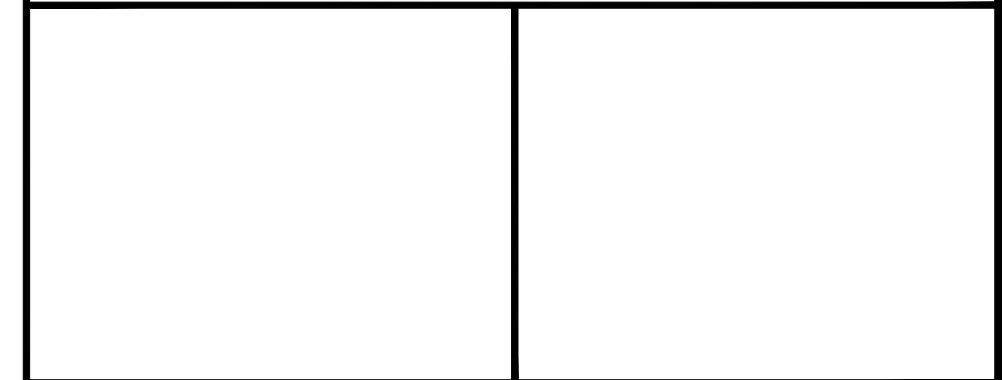
FRONT ELEVATION  
 SCALE : 3/16"=1'



REAR ELEVATION  
 SCALE : 3/16"=1'

NO	REVISIONS	DATE
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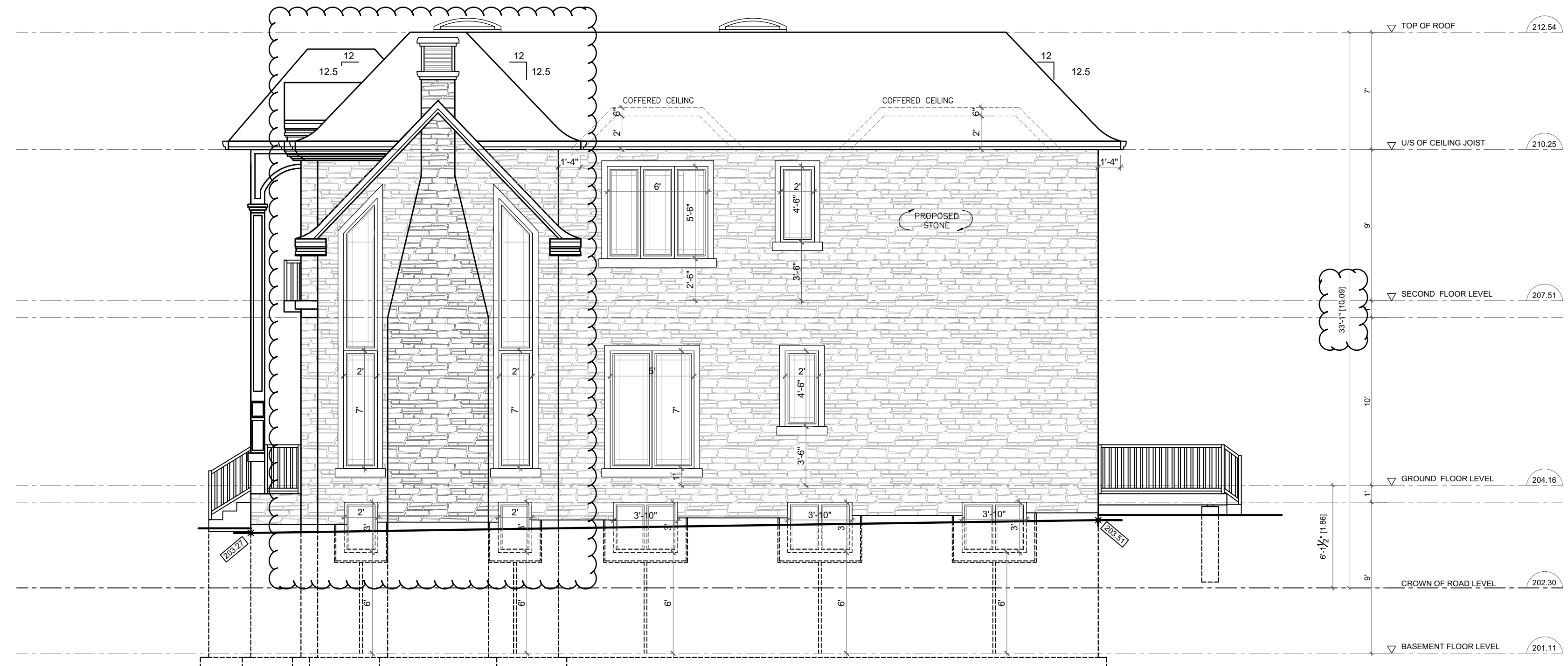
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 PROPOSED TWO STOREY RESIDENCE  
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 MARKHAM , ON

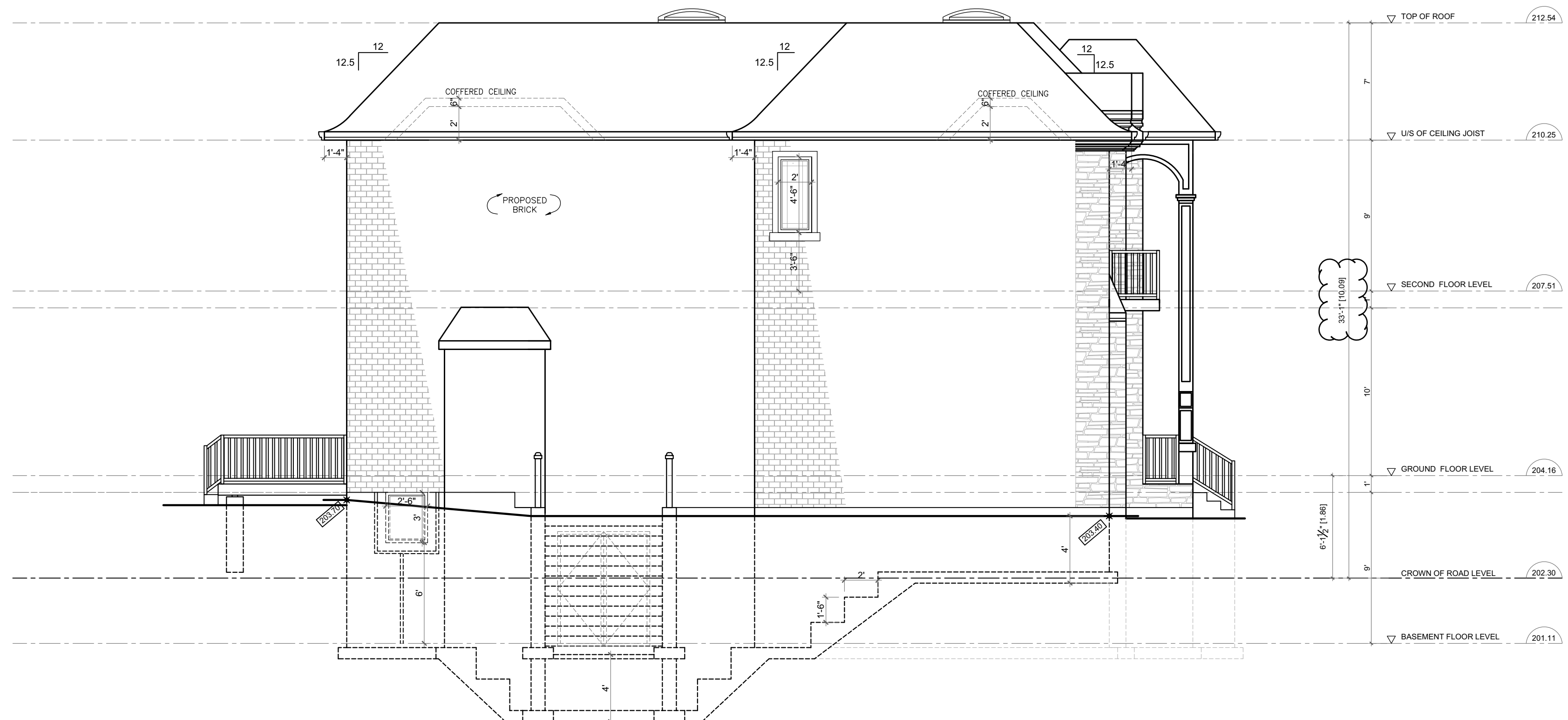
DRAWING:  
 FRONT AND REAR EELVATION

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO. **A4**



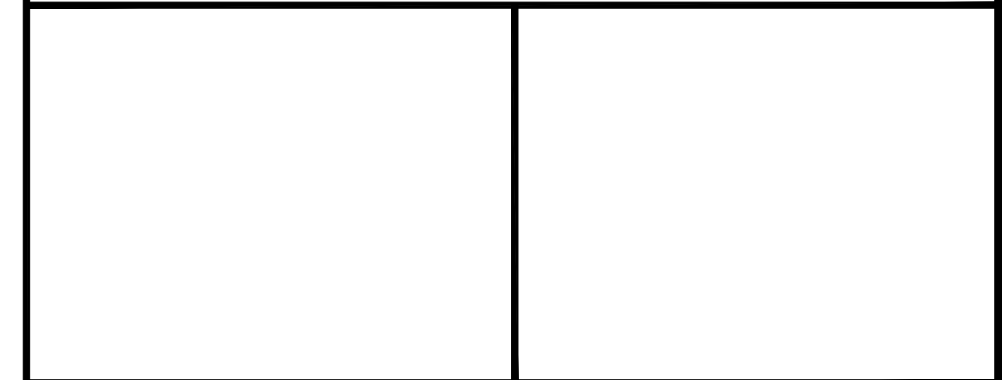
**RIGH SIDE ELEVATION**  
 SCALE : 3/16"=1'



**LEFT SIDE ELEVATION**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
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1	ISSUED FOR ZONING CERTIFICATE	09/06/2022

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PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

DRAWING:  
**RIGHT AND LEFT SIDE ELEVATION**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A5**



## Appendix C

File: 22.263714.000.00.MNV

Date: 07/12/23  
MM/DD/YY

# Memorandum to the City of Markham Committee of Adjustment

May 17, 2023

**File:** A/223/22  
**Address:** 78 Wootten Way North, Markham  
**Applicant:** Cantam Group LTD. (Yaso Somalingam)  
**Agent:** Cantam Group LTD. (Yaso Somalingam)  
**Hearing Date:** Wednesday, May 31, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential 1 (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are 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, and
- 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.

### BACKGROUND

#### Property Description

The 764.10 m<sup>2</sup> (8,224.70 ft<sup>2</sup>) subject property is located at the north west corner of Wootten Way North and Sir Tristram Place, north of Highway 7 and west of Ninth Line. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The property currently contains a one-storey detached dwelling with an attached garage. Mature vegetation exists on the property including two large mature trees in the exterior side yard as well as trees in the rear yard.

#### Proposal

The applicant is proposing to demolish the existing dwelling to construct a new two-storey detached dwelling with an integral two car garage. The proposed dwelling will have an approximate gross floor area of 347.55 m<sup>2</sup> (3,740.99 ft<sup>2</sup>).

The applicant is requesting variances to the floor area ratio and building height to facilitate the construction of the new two-storey detached dwelling.

#### 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 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, and the width of proposed garages and driveways.

#### Zoning By-Law 1229

The subject property is zoned “Residential 1 (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 floor area and maximum building height.

#### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on May 10, 2023. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently it is the owner’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 Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 50.47 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 347.55 m<sup>2</sup> (3,740.99 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 309.88 m<sup>2</sup> (3,335.520 ft<sup>2</sup>). This represents an increase of approximately 37.67 m<sup>2</sup> (405.47 ft<sup>2</sup>).

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, since it does not include “open to below” areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs).

The subject property is located within an established residential area that consists of predominately one and one and a half storey detached dwellings. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes. The proposed lot

coverage is also approximately 10% less than the maximum allowance to prevent overdevelopment of the site. Staff are of the opinion that the proposed increase in floor area ratio will not significantly add to the scale and massing of the dwelling.

Staff are satisfied that since the proposed dwelling is sympathetic to the zoning provisions that establish the building envelope, the requested floor area ratio will not result in an overdevelopment of the site, and have no concerns.

### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.24 m (33.59 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.44 m (1.44 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 1.86 m (6.10 ft) above the crown of road. Staff are of the opinion that the proposed building height is a minor deviation from the by-law requirement and will not negatively affect the streetscape.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 17, 2023. 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.

### **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.

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

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

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Carlson Tsang, Senior Planner, East District

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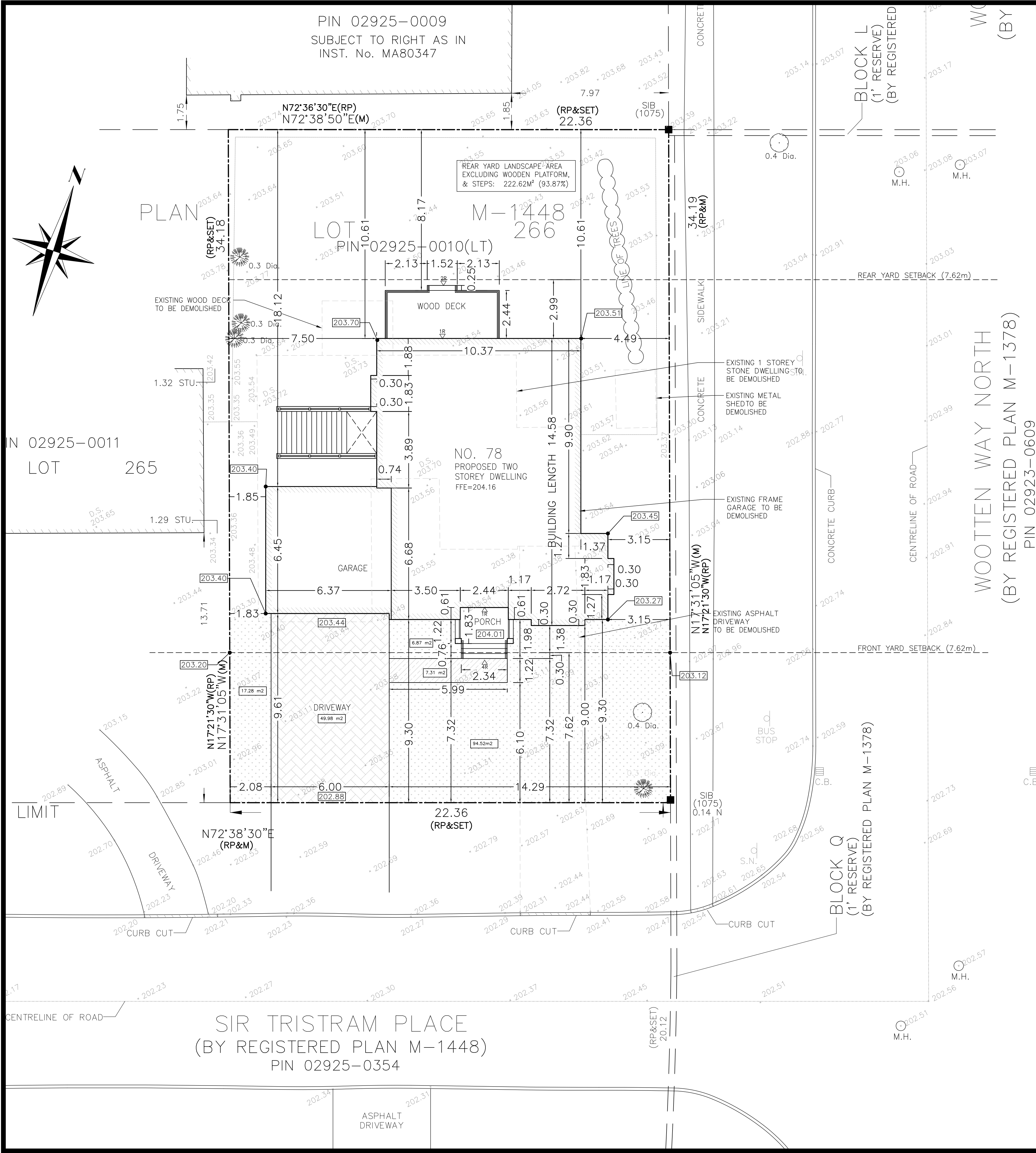
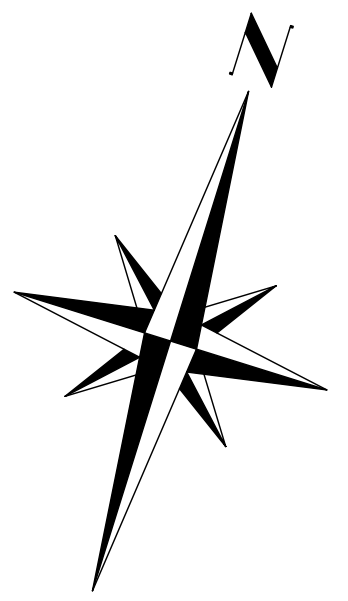
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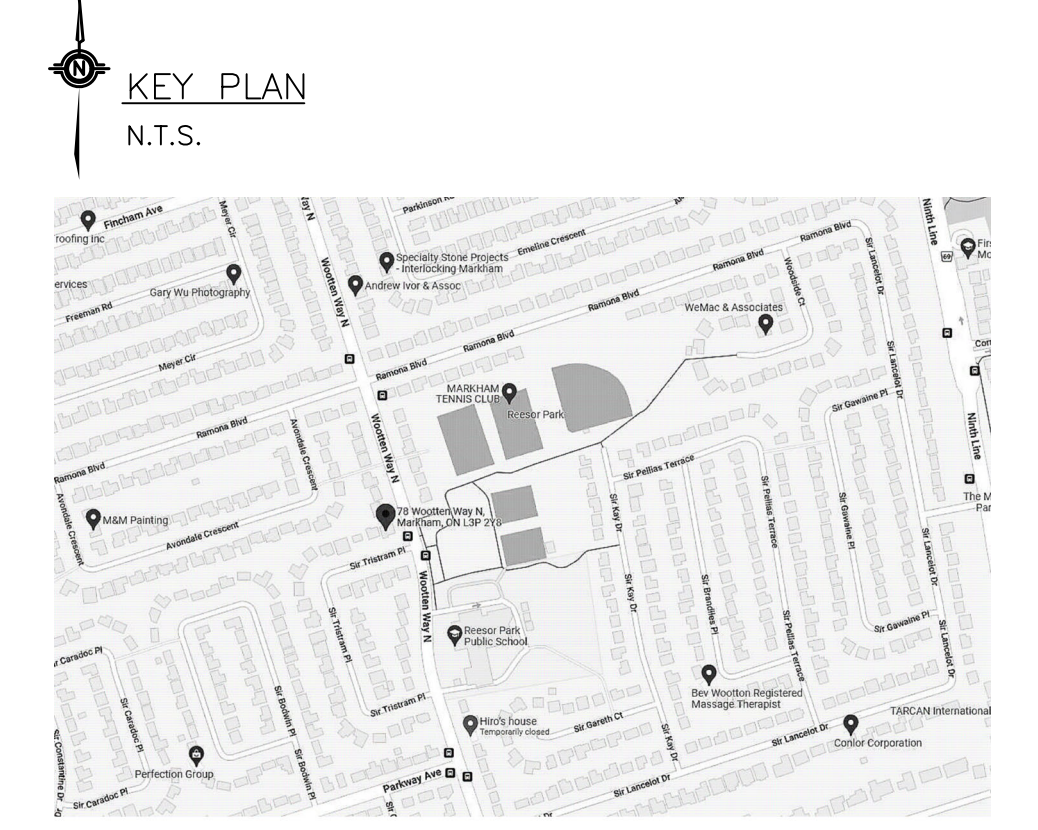
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B	DRIVEWAY AREA =	57.63 SQ. M.	620.3236 SQ. FT.
C	LANDSCAPE AREA =	148.44 SQ. M.	1597.793 SQ. FT.
D	% OF TOTAL FRONT YARD =		72.03 %
E	HARD LANDSCAPE AREA =	8.55 SQ. M.	92.03135 SQ. FT.
F	SOFT LANDSCAPE AREA =	139.89 SQ. M.	1505.762 SQ. FT.
G	% OF TOTAL SOFT LANDSCAPE =		94.24 %

LANDSCAPE LEGEND

	GREEN LANDSCAPE
	WALK WAY
	DRIVE WAY PAVING

**SITE PLAN**  
 SCALE: 1 : 100

**NOTE:**  
 SITE INFORMATION HAS BEEN TAKEN FROM SURVEY PREPARED BY "Z.ZENG", ONTARIO LAND SURVEYOR, MANDARIN SURVEYORS LIMITED, 2400 MIDLAND AVE., #121, SCARBOROUGH, ONT, M1S 1X7, PHONE (647) 430-1366, EMAIL MANDARINSURVEYOR@GMAIL.COM, RECEIVED IN FORMAT AS DWG. CAD NO. 22-010SRPR

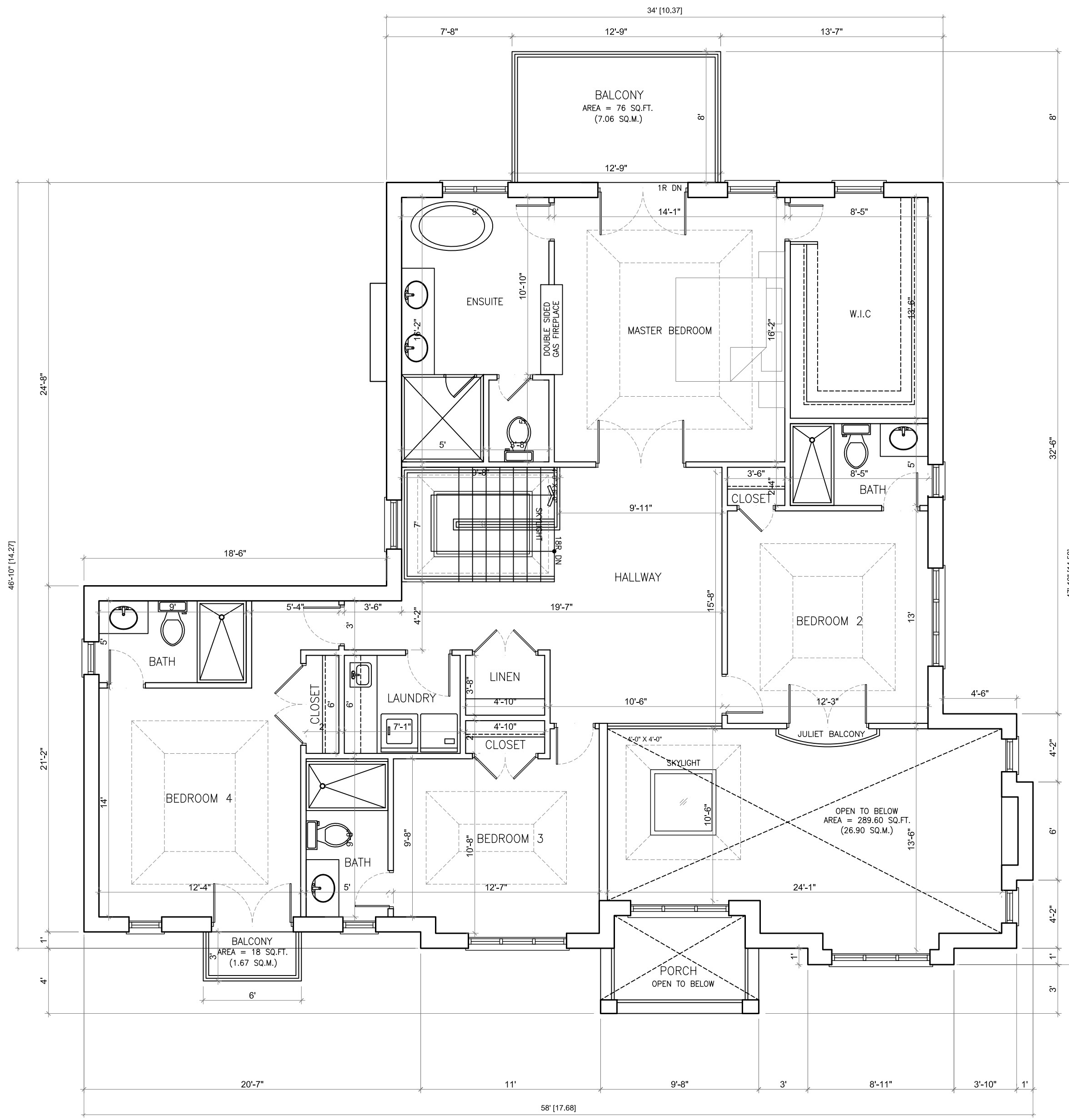
PROJECT COORDINATOR:  
**CANTAM**  
 Group Ltd.  
 PLANNING & BUILDING CONSULTANTS  
 850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
 TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

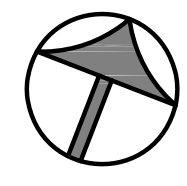
PROJECT:  
 PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM, ON

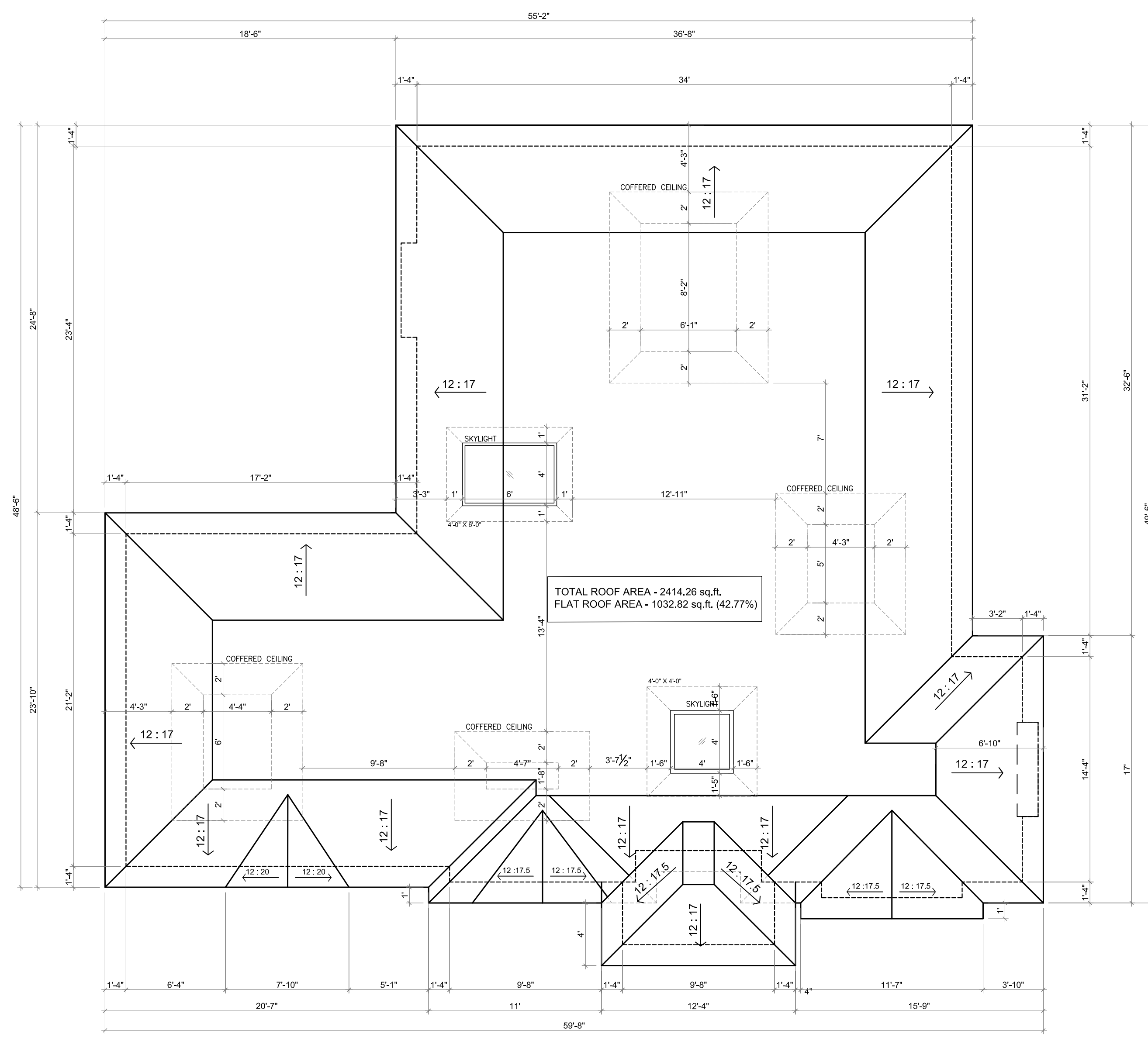
DRAWING:  
 SITE PLAN

DATE: 09/07/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO  
 DRAWING NO. **A1**





 **SECOND FLOOR PLAN**  
 SCALE : 3/16"=1'



 **ROOF PLAN**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
2	ISSUED FOR COA	10/20/2022
1.	ISSUED FOR ZONING CERTIFICATE	09/06/2022

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
 THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.  
 DO NOT SCALE DRAWINGS.

**CANTAM**  
 Group Ltd.  
 PLANNING & BUILDING CONSULTANTS  
 850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
 TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

DRAWING:  
**SECOND FLOOR AND ROOF PLAN**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A3**



FRONT ELEVATION  
 SCALE : 1/4"=1'



REAR ELEVATION  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
3	REVISED HEIGHT AS PER PLANNING	05/09/2023
2	ISSUED FOR COA	10/20/2022
1	ISSUED FOR ZONING CERTIFICATE	09/06/2022

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

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 PLANNING & BUILDING CONSULTANTS  
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 TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
 PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON

DRAWING:  
 FRONT AND REAR ELEVATION

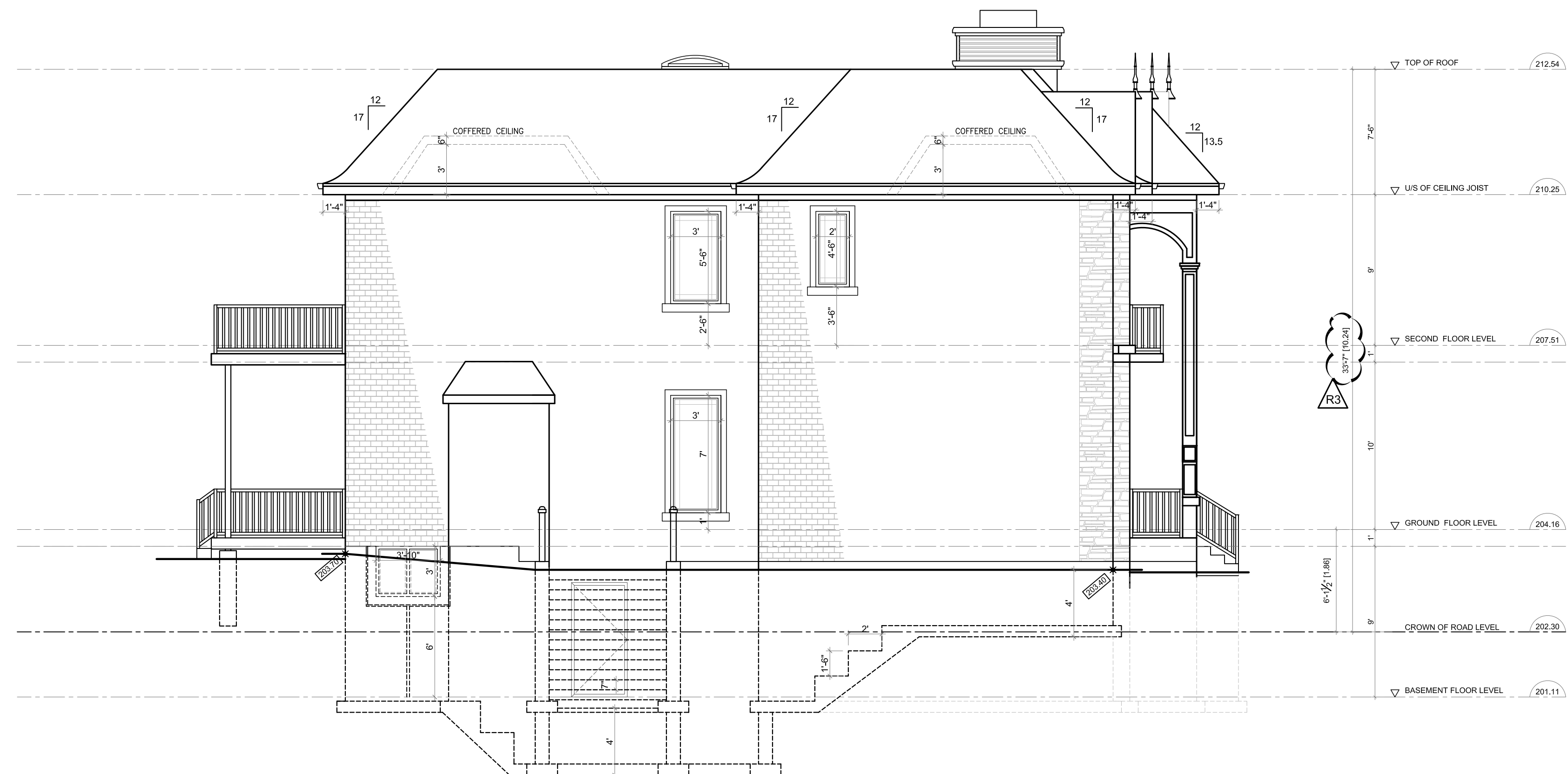
DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A4**





**RIGHT SIDE ELEVATION**  
 SCALE : 3/16"=1'



**LEFT SIDE ELEVATION**  
 SCALE : 3/16"=1'

NO.	REVISIONS	DATE
3	REVISED HEIGHT AS PER PLANNING	05/09/2023
2	ISSUED FOR COA	10/20/2022
1	ISSUED FOR ZONING CERTIFICATE	09/06/2022

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
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 DO NOT SCALE DRAWINGS.

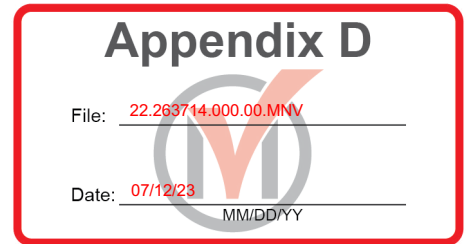
**CANTAM**  
*Group Ltd.*  
 PLANNING & BUILDING CONSULTANTS  
 850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4  
 TEL: 416-335-3353 \* FAX: 416-335-7967 \* CELL: 416-854-2485

PROJECT :  
**PROPOSED TWO STOREY RESIDENCE  
 AT 78 WOOTTEN WAY N.  
 MARKHAM , ON**

DRAWING:  
**RIGHT AND LEFT SIDE ELEVATION**

DATE: 09/06/2022  
 SCALE: AS NOTED  
 DRN: SPENCER CKD: YASO

DRAWING NO.  
**A5**



**CITY OF MARKHAM**  
**Virtual Meeting on Zoom**

**May 31, 2023**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 10<sup>th</sup> 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 17<sup>th</sup>, 2023, respectively be:

- a) Approved on May 31<sup>st</sup>, 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