

Memorandum to the City of Markham Committee of Adjustment

February 23, 2023

File: A/235/22
Address: 32 James Speight Road, Markham
Applicant: Paar Design Inc. (Nikol Paar)
Agent: Paar Design Inc. (Nikol Paar)
Hearing Date: Wednesday, March 8, 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

BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the February 1, 2023 hearing, for the applicant to address the Committee’s concern over the floor area ratio variance of 50.93% (Refer to Minutes - Appendix “D”).

COMMENTS

On February 15 2023, the applicant submitted revised drawings reducing the gross floor area by 6.65 m² (71.58 ft²), to now propose a floor area ratio of 49.95%. 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 and attached two car garage with an approximate total gross floor area of 340.80 m² (3,668.32 ft²). This is an increase of 33.80 m² (363.82ft²) above the maximum permitted floor area ratio of 45%. Staff remain of the opinion that the proposed floor area ratio will not result in an overdevelopment of the site.

PUBLIC INPUT SUMMARY

As of February 28, 2023 the City received two (2) letters expressing concerns over the character and the massing of the proposed dwelling. 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:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/235/22

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:



Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/235/22

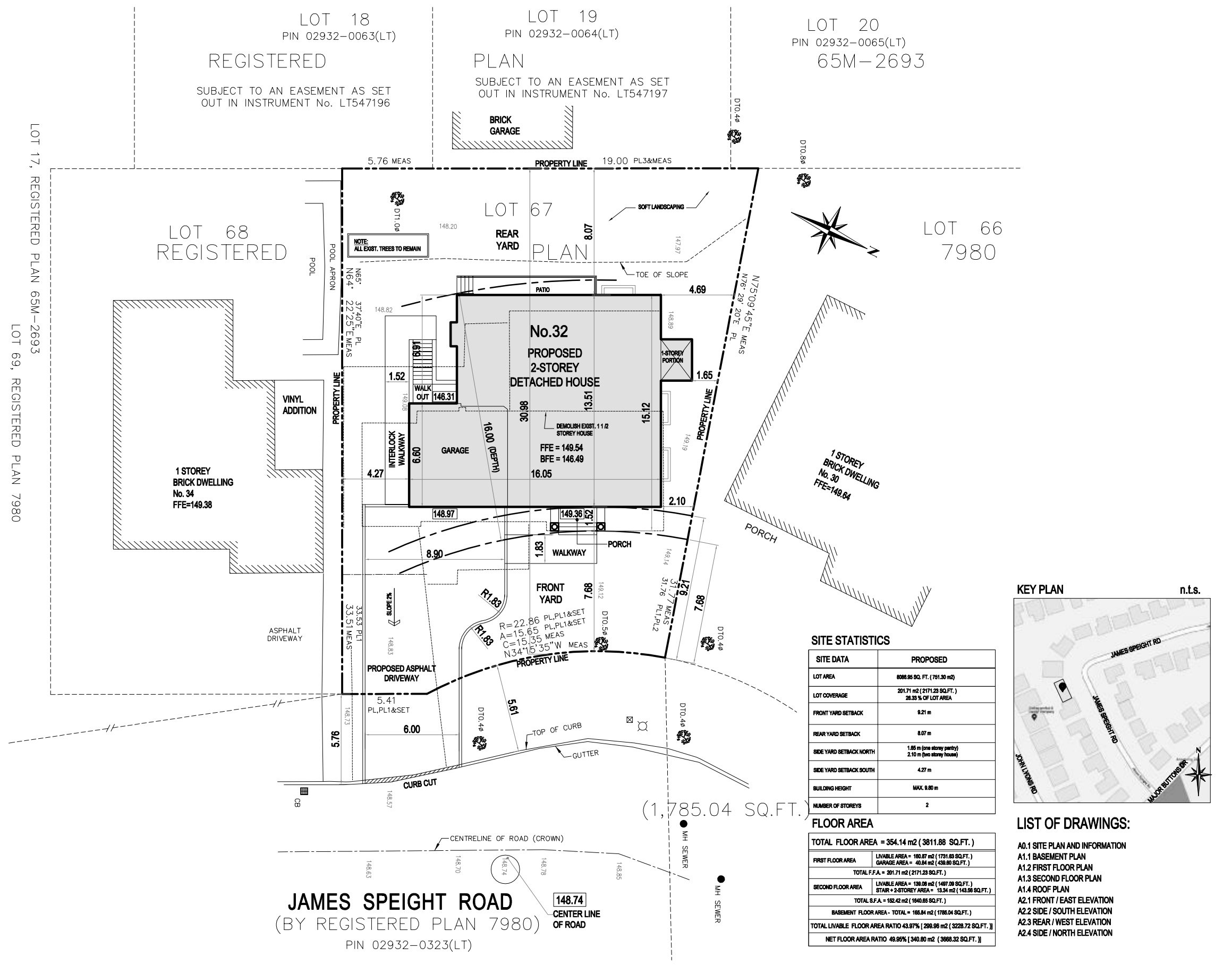
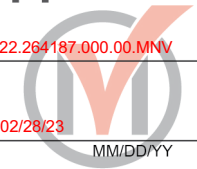
APPENDIX "C"
STAFF REPORT DATED February 1, 2023

APPENDIX "D"
MINUTES EXTRACT

Appendix B

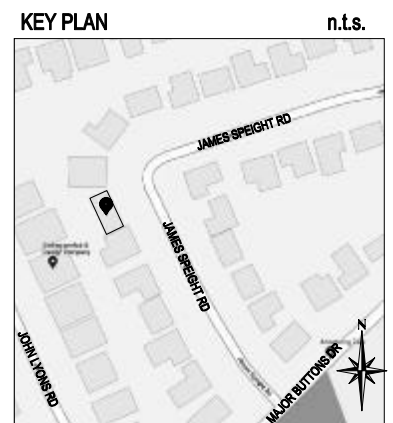
File: 22.264187.000.00.MNV

Date: 02/28/23
MM/DD/YY



SITE STATISTICS

SITE DATA	PROPOSED
LOT AREA	8006.95 SQ. FT. (761.50 m ²)
LOT COVERAGE	201.71 m ² (2171.23 SQ.FT.) 25.33% OF LOT AREA
FRONT YARD SETBACK	8.21 m
REAR YARD SETBACK	8.07 m
SIDE YARD SETBACK NORTH	1.65 m (one storey party) 2.10 m (two storey house)
SIDE YARD SETBACK SOUTH	4.27 m
BUILDING HEIGHT	MAX. 8.00 m
NUMBER OF STOREYS	2



FLOOR AREA

TOTAL FLOOR AREA = 354.14 m ² (3811.88 SQ.FT.)	
FIRST FLOOR AREA	LIVABLE AREA = 180.87 m ² (1751.83 SQ.FT.) GARAGE AREA = 40.84 m ² (438.00 SQ.FT.) TOTAL F.F.A. = 201.71 m ² (2171.23 SQ.FT.)
SECOND FLOOR AREA	LIVABLE AREA = 130.26 m ² (1407.39 SQ.FT.) STAR + 2-STOREY AREA = 13.34 m ² (143.58 SQ.FT.) TOTAL S.F.A. = 152.42 m ² (1640.85 SQ.FT.)
BASEMENT FLOOR AREA - TOTAL = 168.94 m ² (1786.04 SQ.FT.)	
TOTAL LIVABLE FLOOR AREA RATIO 43.97% [299.96 m ² (3228.72 SQ.FT.)]	
NET FLOOR AREA RATIO 49.95% [340.80 m ² (3668.32 SQ.FT.)]	

- ### LIST OF DRAWINGS:
- A0.1 SITE PLAN AND INFORMATION
 - A1.1 BASEMENT PLAN
 - A1.2 FIRST FLOOR PLAN
 - A1.3 SECOND FLOOR PLAN
 - A1.4 ROOF PLAN
 - A2.1 FRONT / EAST ELEVATION
 - A2.2 SIDE / SOUTH ELEVATION
 - A2.3 REAR / WEST ELEVATION
 - A2.4 SIDE / NORTH ELEVATION

MARK	DATE	DESCRIPTION
1.	08 08 2022	ISSUED FOR ZONING REVIEW
2.	11 11 2022	RE-ISSUED FOR ZONING REVIEW
3.	13 02 2023	RE-ISSUED FOR CoA

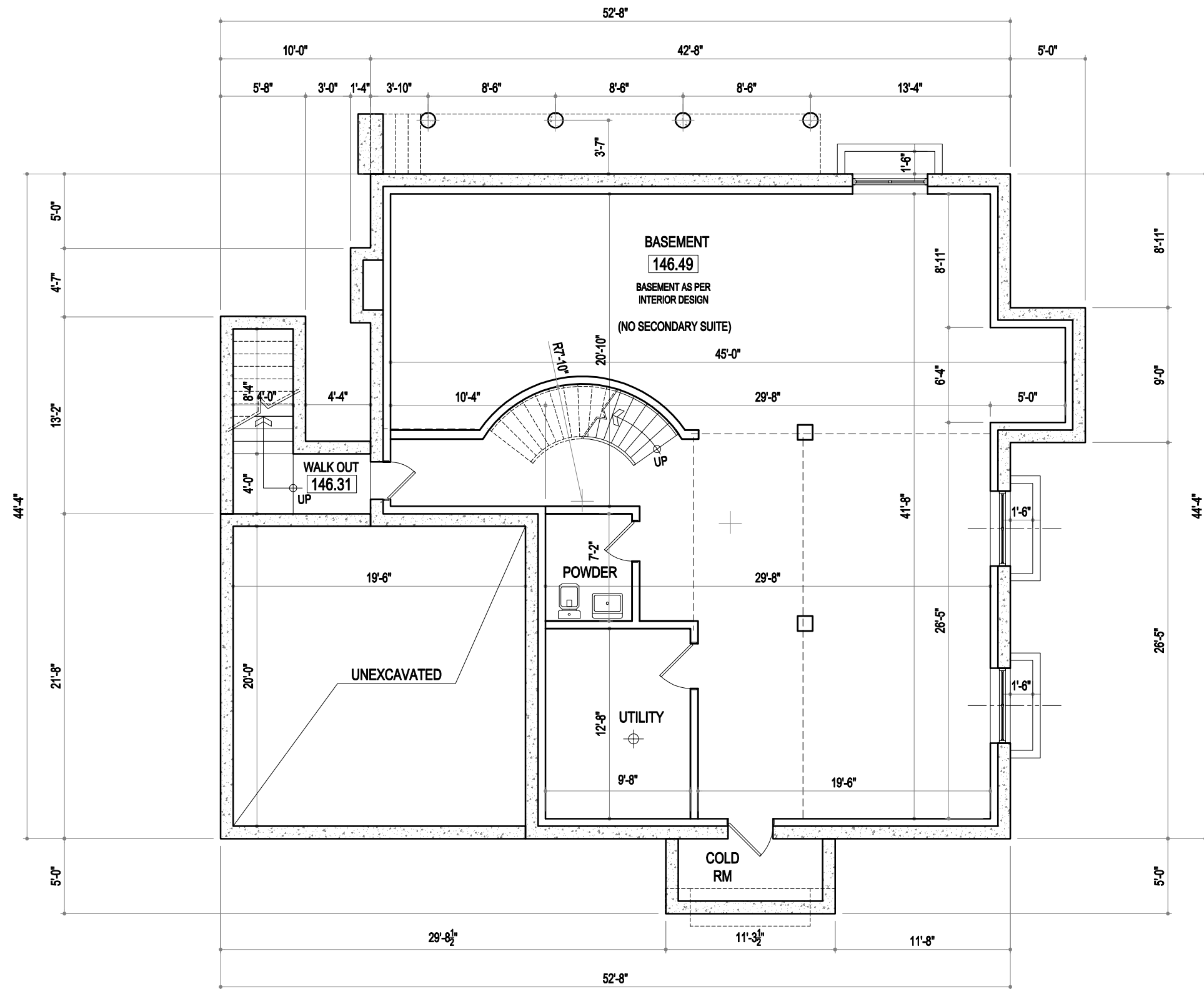
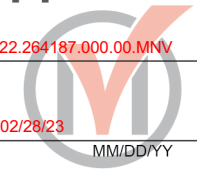
DESIGN	PROJECT:
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code Zoran Paar [Signature] 24546 BCIN / BCDN Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code PAAR Architecture and Interior Design Inc. [Signature] 31785 Firm Name BCIN / BCDN	No. 32 JAMES SPEIGHT RD. City of Markham 2 STOREY DWELLING
	DRW: SITE PLAN AND INFORMATION

	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paar-design.com info.paar-design.com	scale 3/64"=1'-0"	<h1>A0.1</h1>

Appendix B

File: 22.264187.000.00.MNV

Date: 02/28/23
MM/DD/YY



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Qualification Information
Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code

Zoran Paar 24546 BCIN / BCDN
Registration Information
Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code

PAAR Architecture and Interior Design Inc. 31785 BCIN / BCDN
Firm Name

PROJECT:
No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING

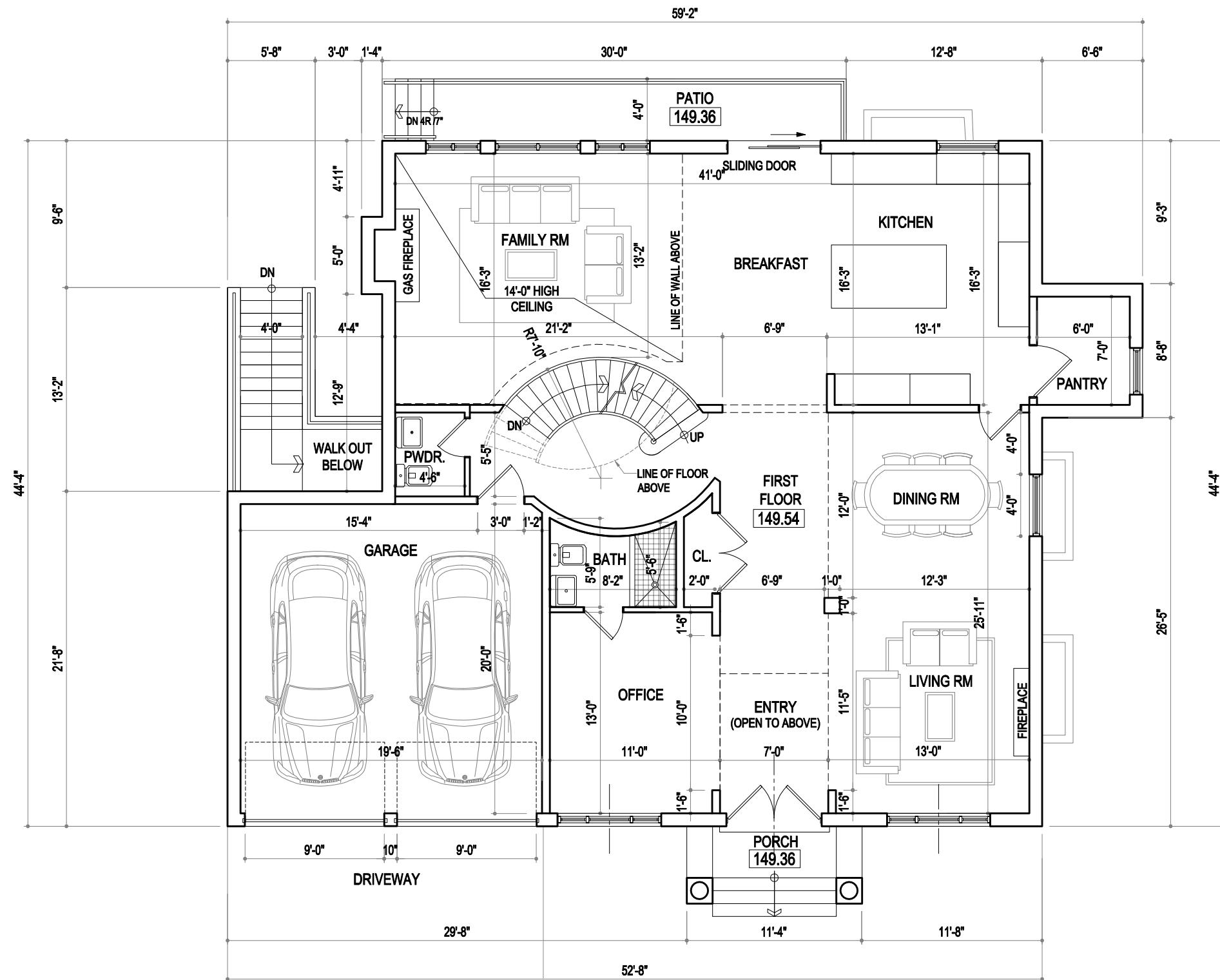
DRW:
BASEMENT PLAN

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Appendix B

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PAAR Architecture and Interior Design Inc. 31785 BCIN / BCDN
Firm Name

PROJECT:
No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING

DRW:
FIRST FLOOR PLAN

PAAR
DESIGN

www.paardesign.com

PAAR DESIGN INC.
22 BLUE FOREST DR.
TORONTO ON.
M3H 4W2
p: 416 630 2106
www.paardesign.com
info.paardesign.com

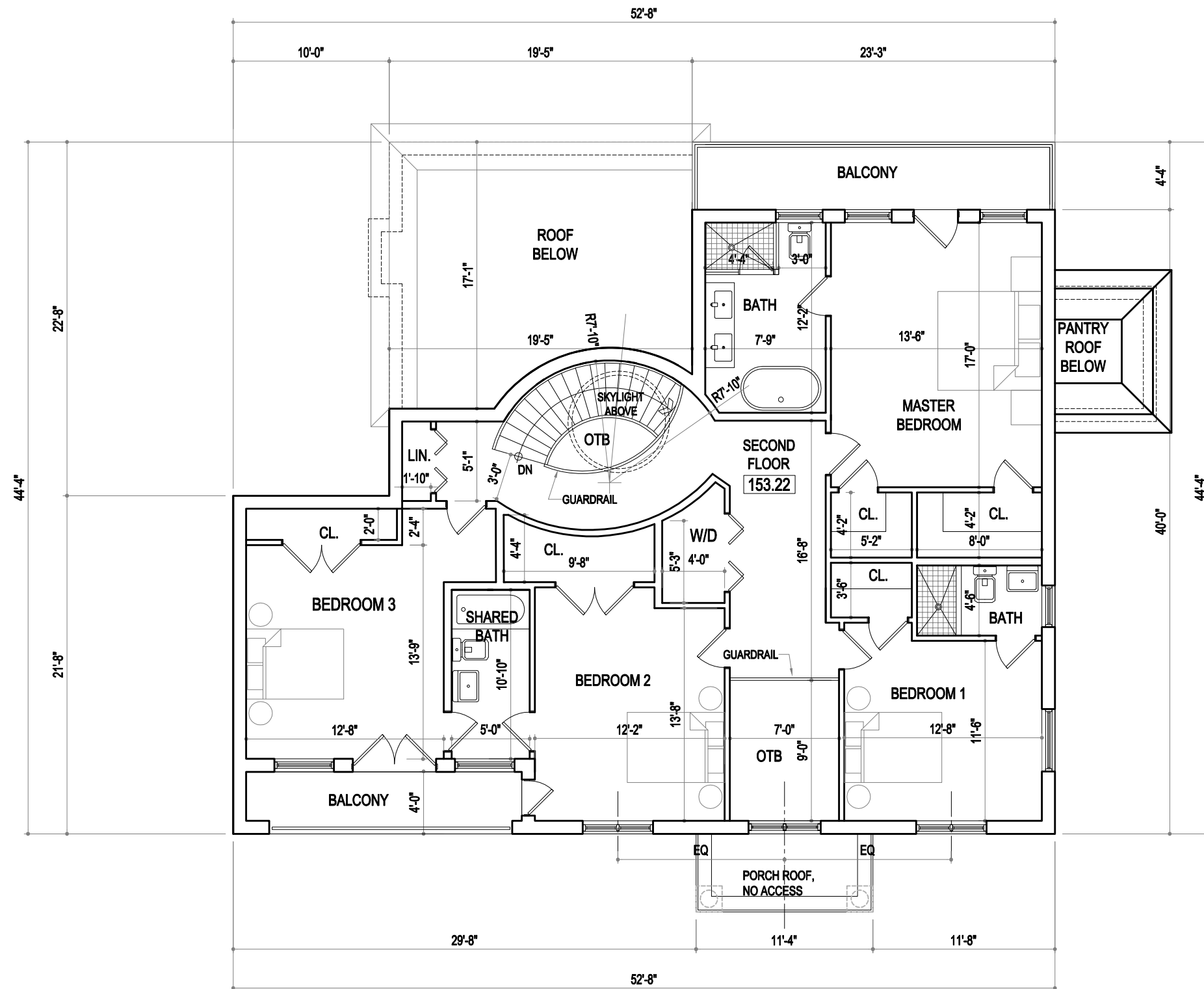
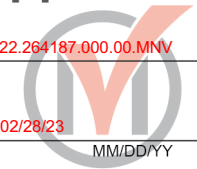
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A1.2

Appendix B

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PAAR Architecture and Interior Design Inc. 31785 BCIN / BCDN
Firm Name

PROJECT:
**No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING**
DRW :
SECOND FLOOR PLAN

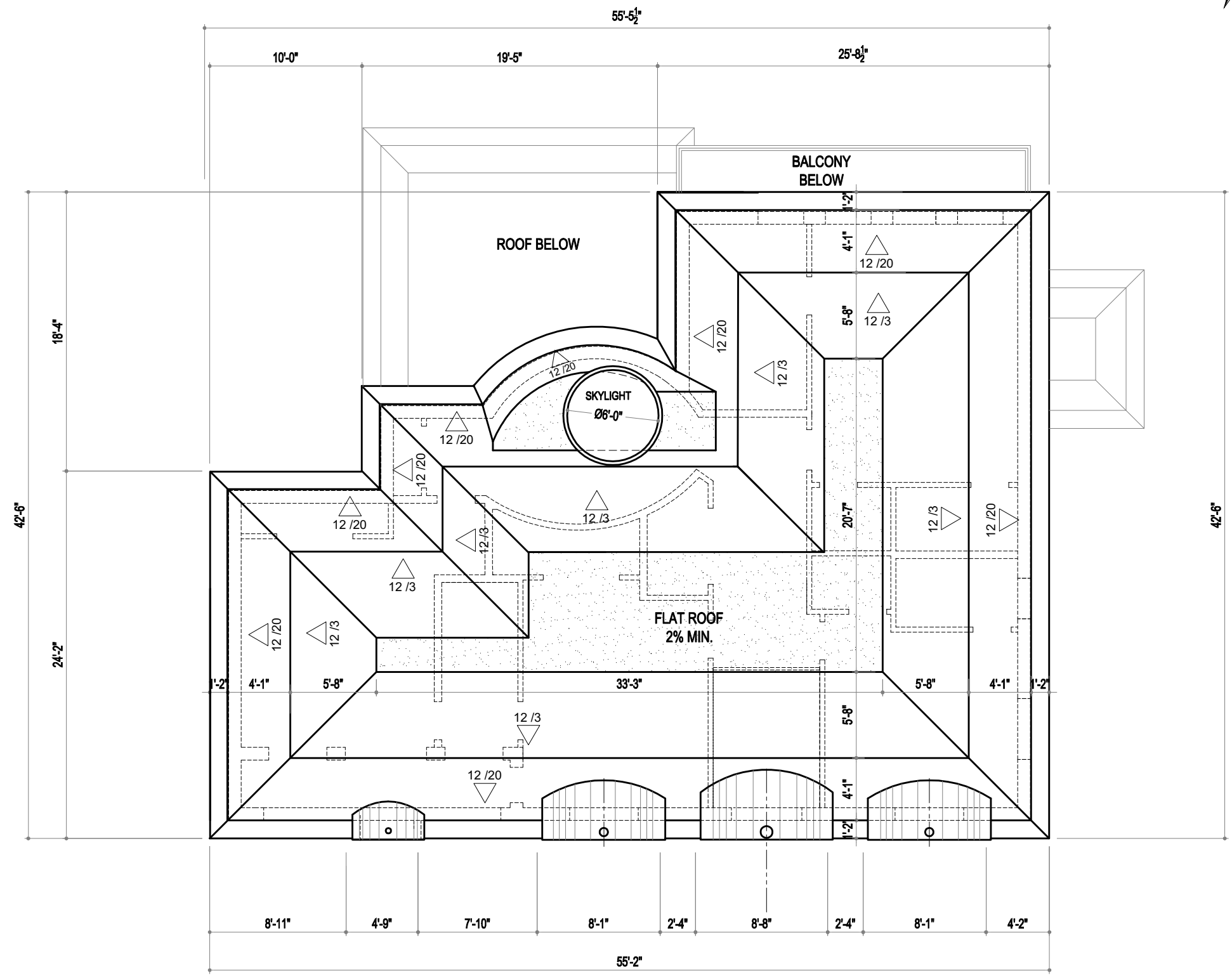
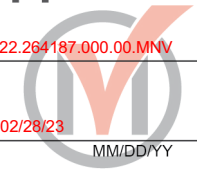
PAAR DESIGN INC.
22 BLUE FOREST DR.
TORONTO ON.
M3H 4W2
p. 416 630 2106
www.paardesign.com
info.paardesign.com

scale 1/8"=1'-0" **A1.3**

Appendix B

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PAAR Architecture and Interior Design Inc. 31785 BCIN / BCDN
Firm Name

PROJECT:
No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING

DRW :
ROOF PLAN

PAAR
DESIGN

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info.paardesign.com

scale 1/8"=1'-0"

A1.4



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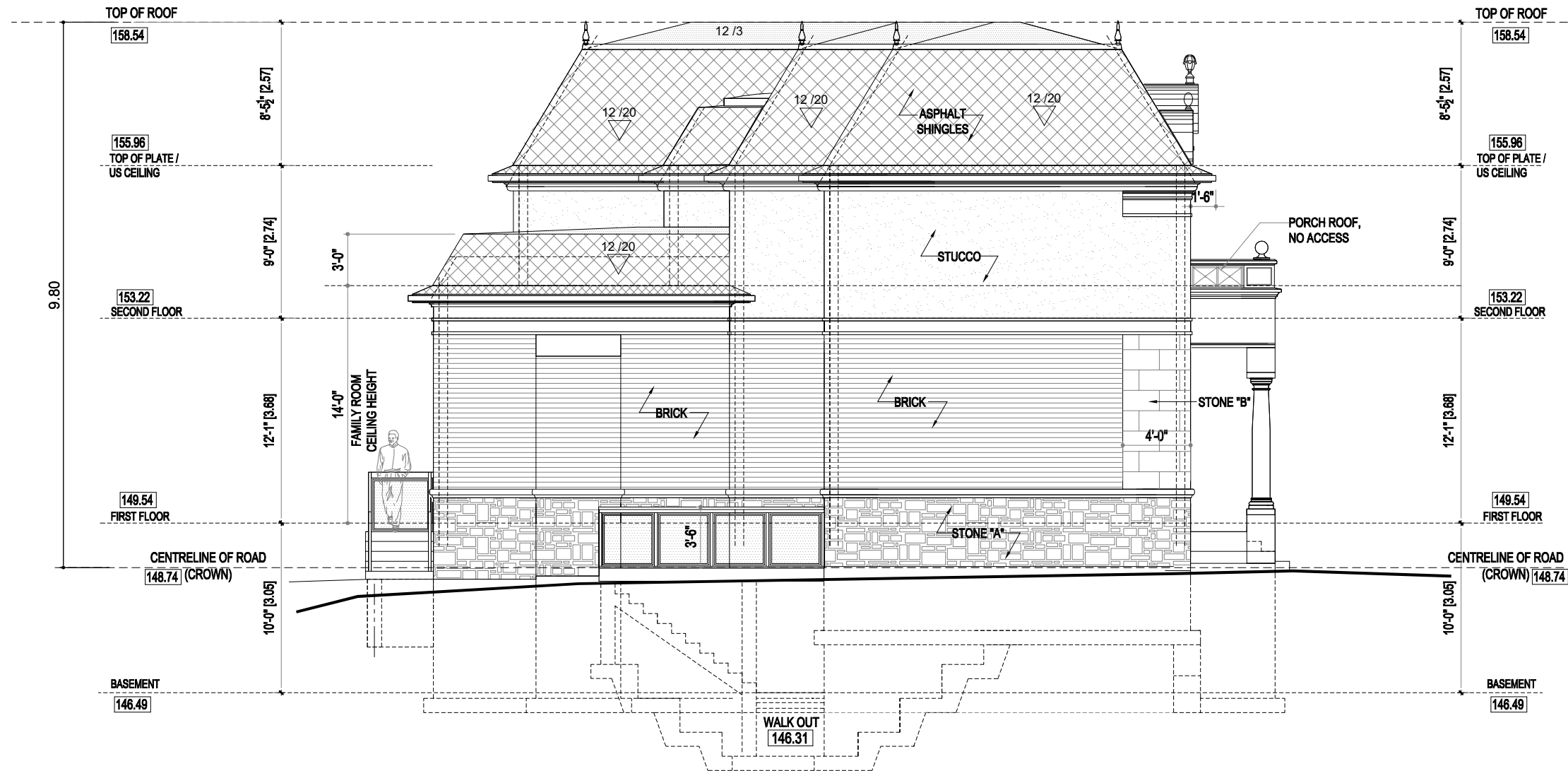
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	<p>PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<h1>A2.1</h1>
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Appendix B

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Date: 02/28/23
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Zoran Paar 24546
BCIN / BCDN

Registration Information
Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code

PAAR Architecture and Interior Design Inc. 31785
Firm Name BCIN / BCDN

PROJECT:

No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING

DRW :
SIDE / SOUTH ELEVATION

	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com	scale 1/8"=1'-0"	A2.2
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Appendix B

File: 22.264187.000.00.MNV

Date: 02/28/23
MM/DD/YY



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Zoran Paar 24546 BCIN / BCDN

Registration Information
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PAAR Architecture and Interior Design Inc. 31785 BCIN / BCDN

PROJECT:

No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING

DRW :
REAR / WEST ELEVATION

PAAR DESIGN INC.
22 BLUE FOREST DR.
TORONTO ON.
M3H 4W2
p: 416 830 2106
www.paardesign.com
info.paardesign.com

PAAR DESIGN

scale 1/8"=1'-0" **A2.3**

Appendix B

File: 22.264187.000.00.MNV

Date: 02/28/23
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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p. 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<h1>A2.4</h1>
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Appendix C

File: 22.264187.000.00.MNV

Date: 02/28/23
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment January 20, 2023

File: A/235/22
Address: 32 James Speight Road, Markham
Applicant: Paar Design Inc. (Nikol Paar)
Agent: Paar Design Inc. (Nikol Paar)
Hearing Date: Wednesday, February 1, 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 50.93 percent, whereas the By-law permits a maximum floor area ratio of 45 percent

BACKGROUND

Property Description

The 752.56 m² (8,100.54 ft²) subject property is located on the west side of James Speight Road, west of Wootten Way South and south of Highway 7. 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 split-level detached dwelling with an integral garage. Mature vegetation exists on the property which includes a large tree in the front 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 347.45 m² (3,739.92 ft²).

The applicant is requesting a variance to the floor area ratio 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.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on September 27, 2022 to confirm the variances required for the proposed development.

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 50.93 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The requested variance will facilitate the construction of a two-storey detached dwelling with an integral two car garage with an approximate net floor area of 347.45 m² (3,739.92 ft²) where the By-law permits a dwelling with a maximum floor area of 307.00 m² (3,304.56 ft²). This represents an increase of approximately 40.45 m² (435.40 ft²).

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. 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 20, 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:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/235/22

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:



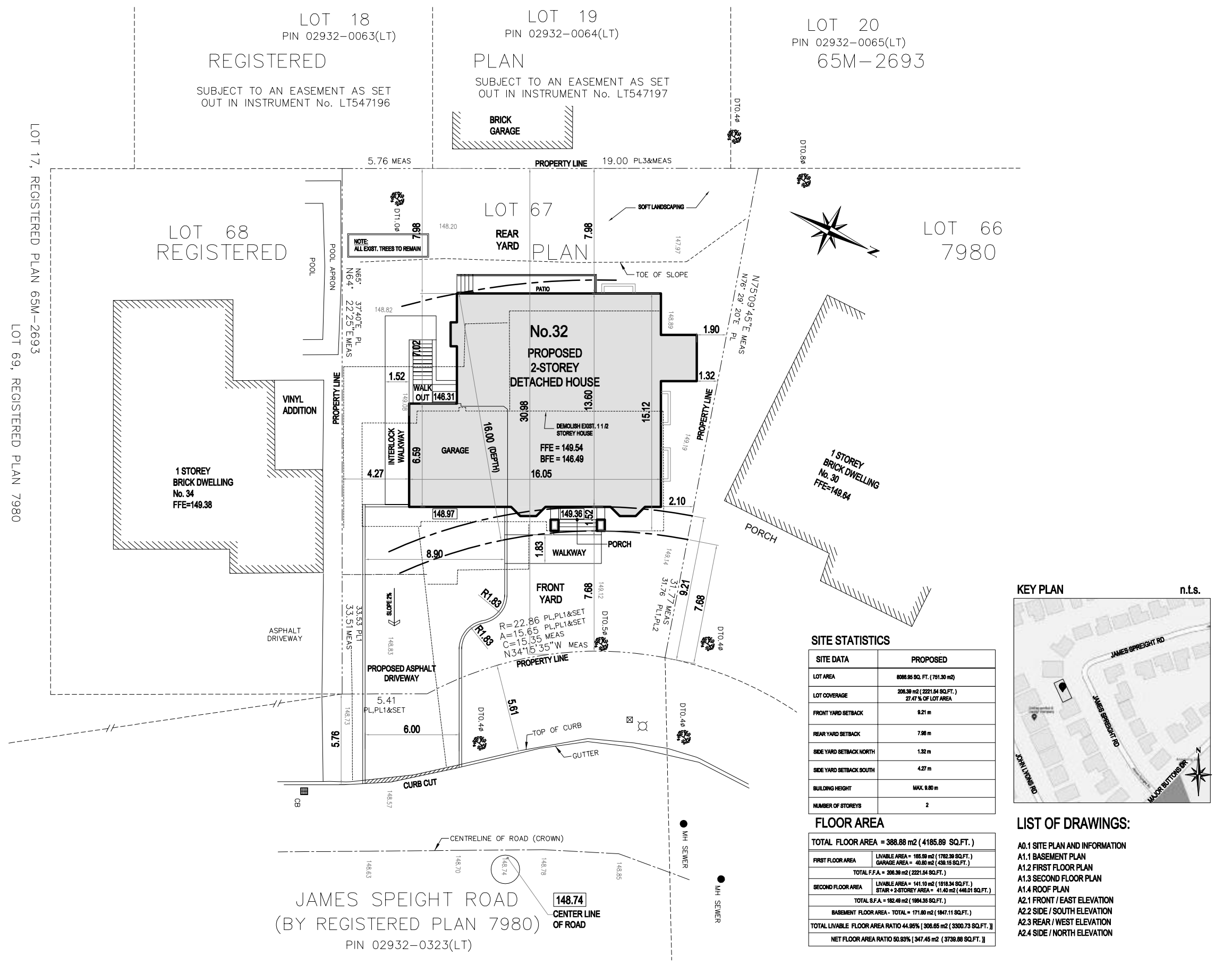
Brashanthe Manoharan, Planner II, East District

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/235/22

Appendix B

File: 22.264187.000.00.MNV

Date: 01/27/23
MM/DD/YY

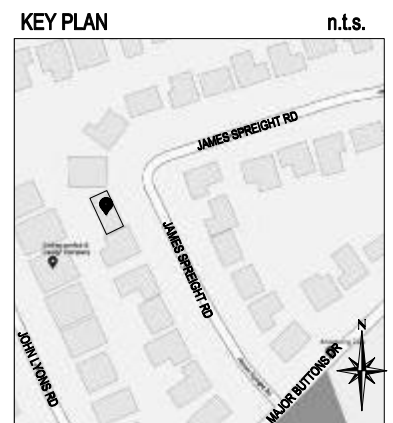


SITE STATISTICS

SITE DATA	PROPOSED
LOT AREA	8006.95 SQ. FT. (781.50 m ²)
LOT COVERAGE	200.50 m ² (2221.54 SQ.FT.) 27.47 % OF LOT AREA
FRONT YARD SETBACK	8.21 m
REAR YARD SETBACK	7.98 m
SIDE YARD SETBACK NORTH	1.32 m
SIDE YARD SETBACK SOUTH	4.27 m
BUILDING HEIGHT	MAX. 8.80 m
NUMBER OF STOREYS	2

FLOOR AREA

TOTAL FLOOR AREA = 388.88 m ² (4185.89 SQ.FT.)	
FIRST FLOOR AREA	LIVABLE AREA = 185.59 m ² (1782.39 SQ.FT.) GARAGE AREA = 40.80 m ² (438.15 SQ.FT.) TOTAL F.F.A. = 206.39 m ² (2221.54 SQ.FT.)
SECOND FLOOR AREA	LIVABLE AREA = 141.10 m ² (1518.34 SQ.FT.) STAR + 2-STOREY AREA = 41.40 m ² (448.01 SQ.FT.) TOTAL S.F.A. = 182.49 m ² (1966.35 SQ.FT.)
BASEMENT FLOOR AREA - TOTAL = 171.89 m ² (1847.11 SQ.FT.)	
TOTAL LIVABLE FLOOR AREA RATIO 44.95% [305.65 m ² (3300.73 SQ.FT.)]	
NET FLOOR AREA RATIO 50.83% [347.45 m ² (3739.88 SQ.FT.)]	



- ### LIST OF DRAWINGS:
- A0.1 SITE PLAN AND INFORMATION
 - A1.1 BASEMENT PLAN
 - A1.2 FIRST FLOOR PLAN
 - A1.3 SECOND FLOOR PLAN
 - A1.4 ROOF PLAN
 - A2.1 FRONT / EAST ELEVATION
 - A2.2 SIDE / SOUTH ELEVATION
 - A2.3 REAR / WEST ELEVATION
 - A2.4 SIDE / NORTH ELEVATION

MARK	DATE	DESCRIPTION
1.	08 08 2022	ISSUED FOR ZONING REVIEW
2.	11 11 2022	RE-ISSUED FOR ZONING REVIEW

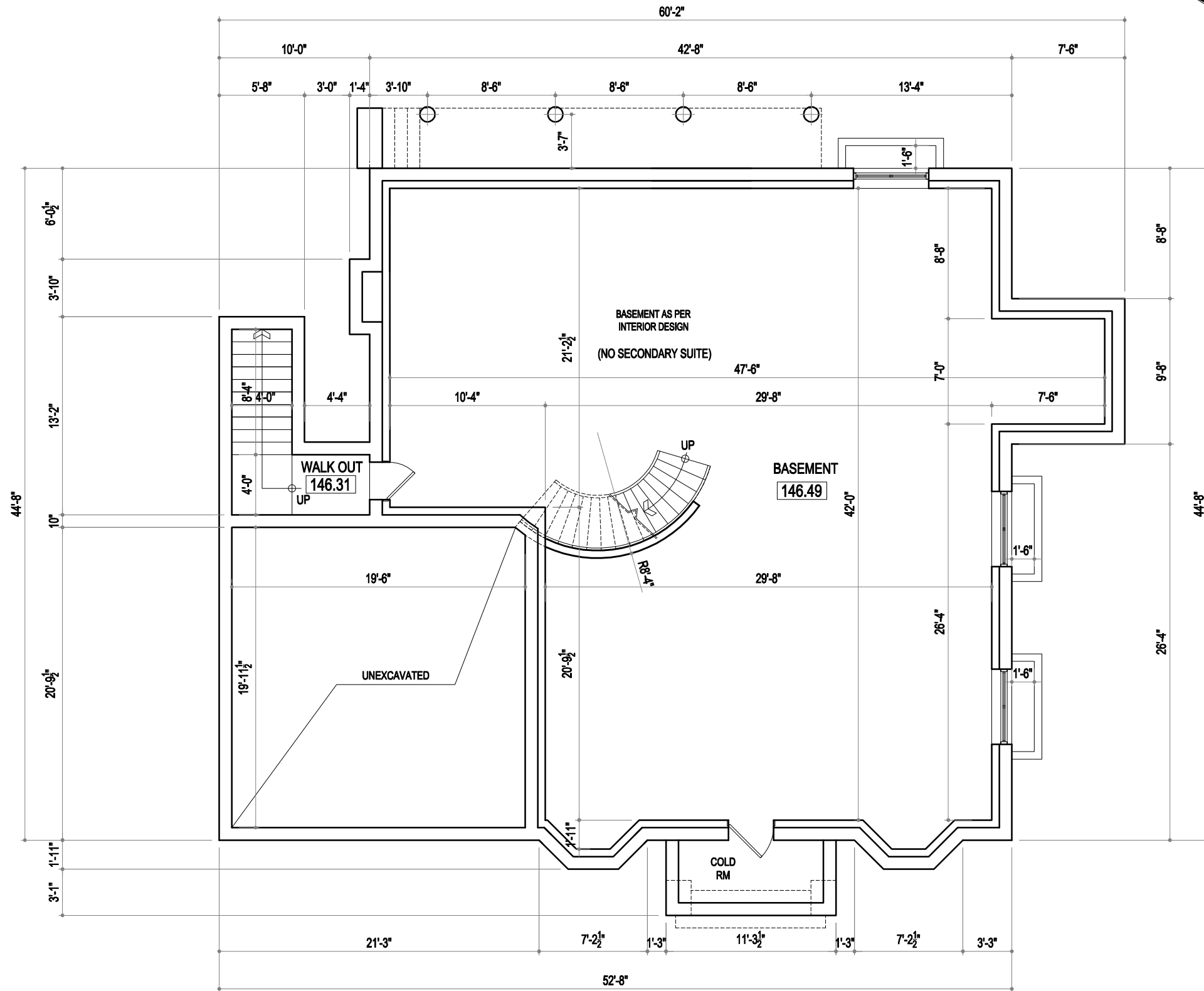
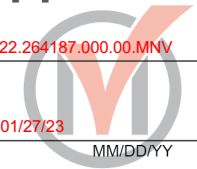
DESIGN	PROJECT:
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code Zoran Paar BCIN / BCDN Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code PAAR Architecture and Interior Design Inc. Firm Name 31785 BCIN / BCDN	No. 32 JAMES SPEIGHT RD. City of Markham 2 STOREY DWELLING
	DRW: SITE PLAN AND INFORMATION

PAAR DESIGN www.paardesign.com	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 830 2105 www.paardesign.com info.paardesign.com	scale 3/64"=1'-0"	A0.1
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Appendix B

File: 22.264187.000.00.MNV

Date: 01/27/23
MM/DD/YY



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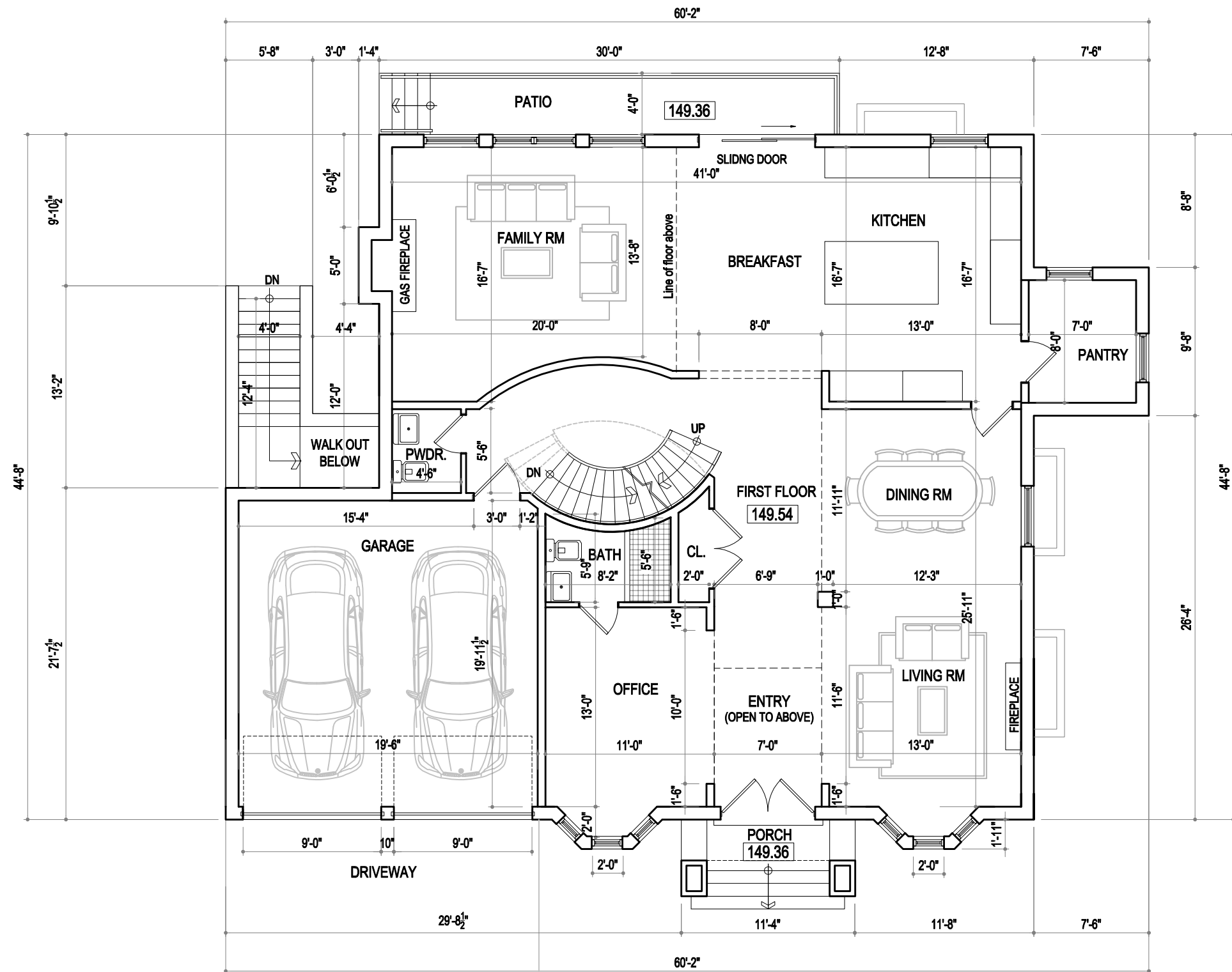
DESIGN <small>The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2009 Ontario Building Code</small>	PROJECT:
<small>Zoran Paar</small> 24546 <small>Registration Information BCIN / BCDN Required unless design is exempted under Division C-3.2.4.1. of the 2009 Ontario Building Code</small>	No. 32 JAMES SPEIGHT RD. City of Markham 2 STOREY DWELLING
<small>PAAR Architecture and Interior Design Inc.</small> 31785 <small>Firm Name</small> BCIN / BCDN	

	PAAR DESIGN INC. <small>22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com</small>	scale 1/8"=1'-0"	A1.1
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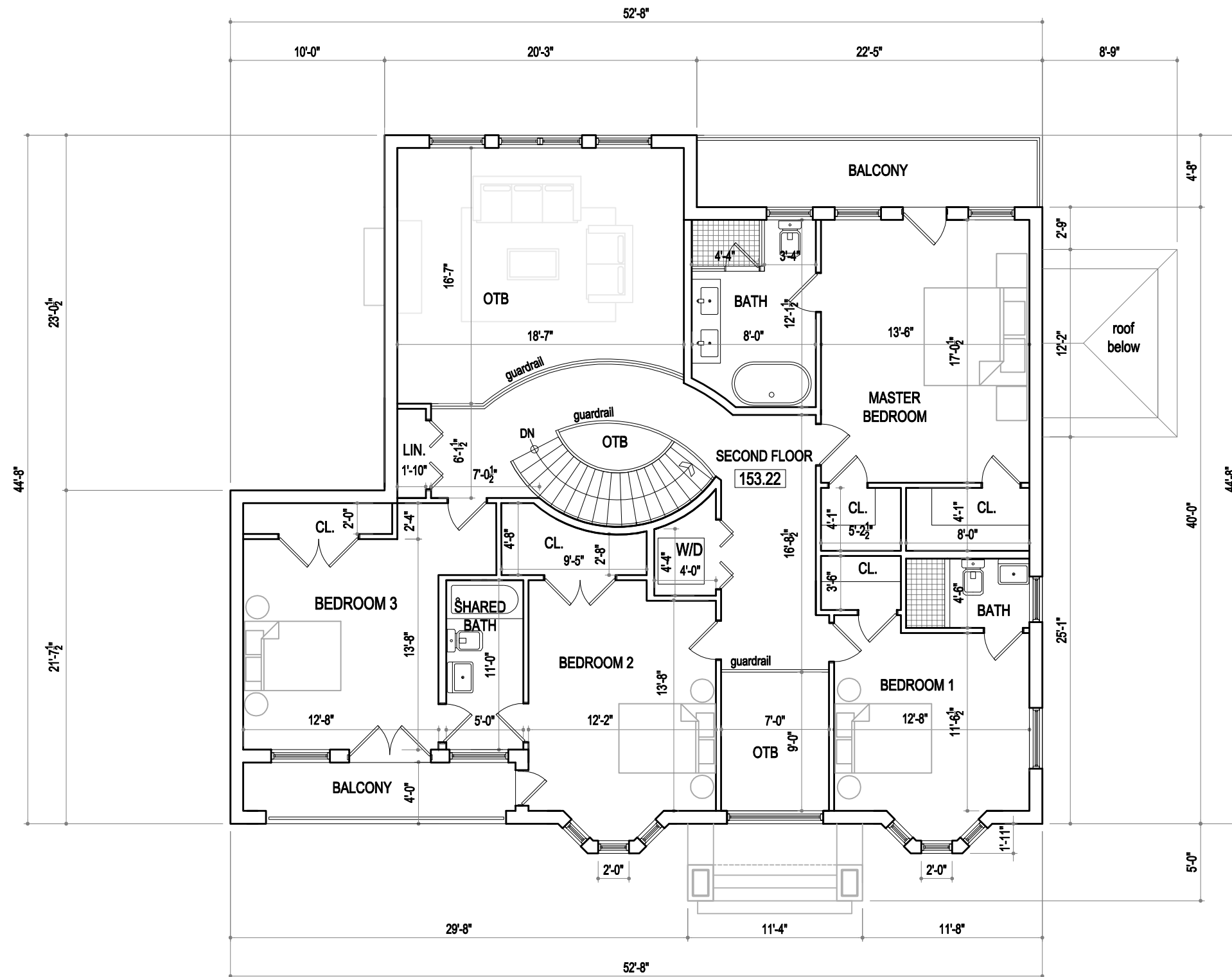
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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p. 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<h1>A1.2</h1>
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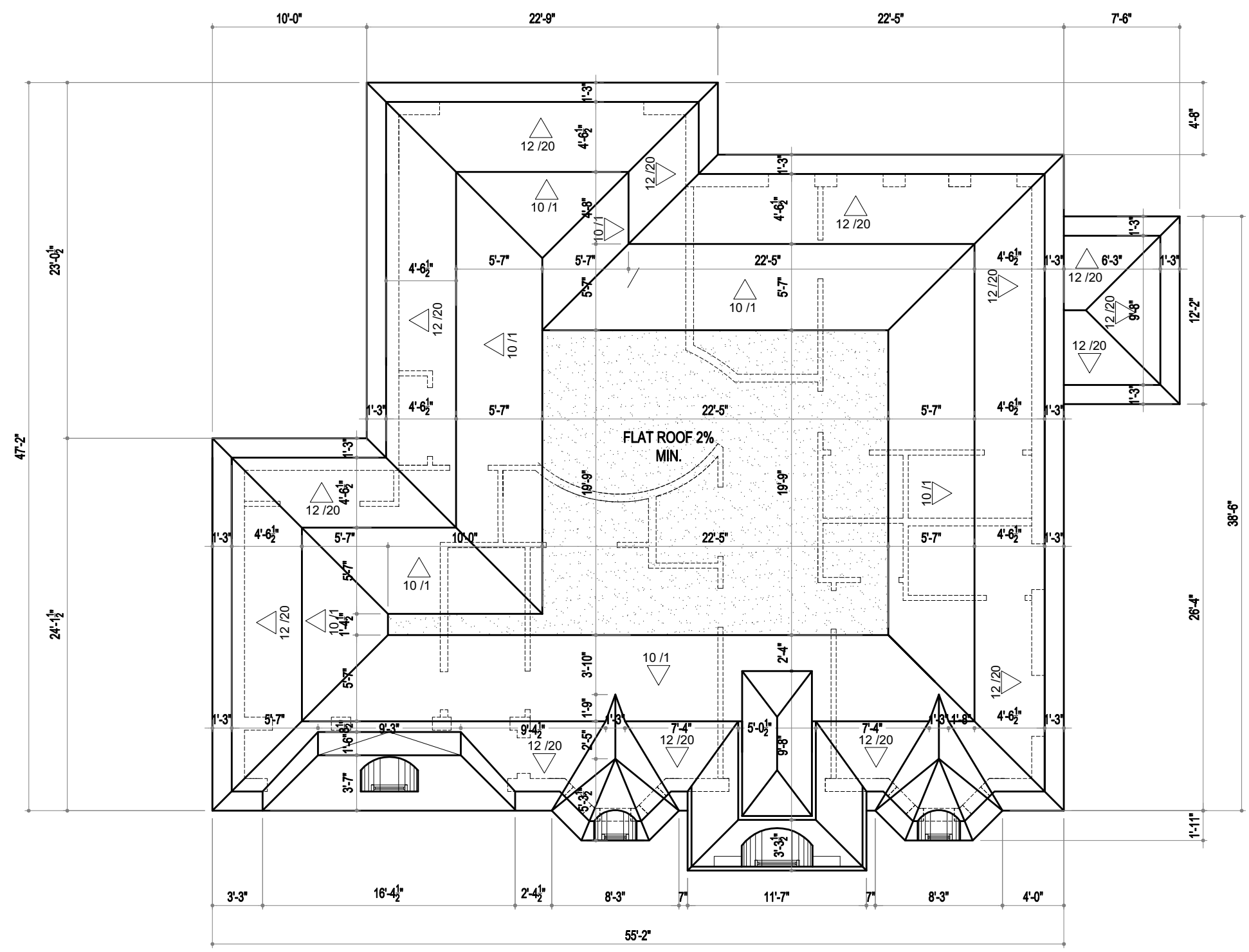
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Zoran Paar 24546 BCIN / BCDN Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2009 Ontario Building Code	
PAAR Architecture and Interior Design Inc. 31785 Firm Name BCIN / BCDN	DRW: SECOND FLOOR PLAN

	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com	scale 1/8"=1'-0"	<h1>A1.3</h1>



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PAAR Architecture and Interior Design Inc.  31785 Firm Name BCIN / BCDN	DRW : ROOF PLAN

	PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com	scale 1/8"=1'-0" A1.4
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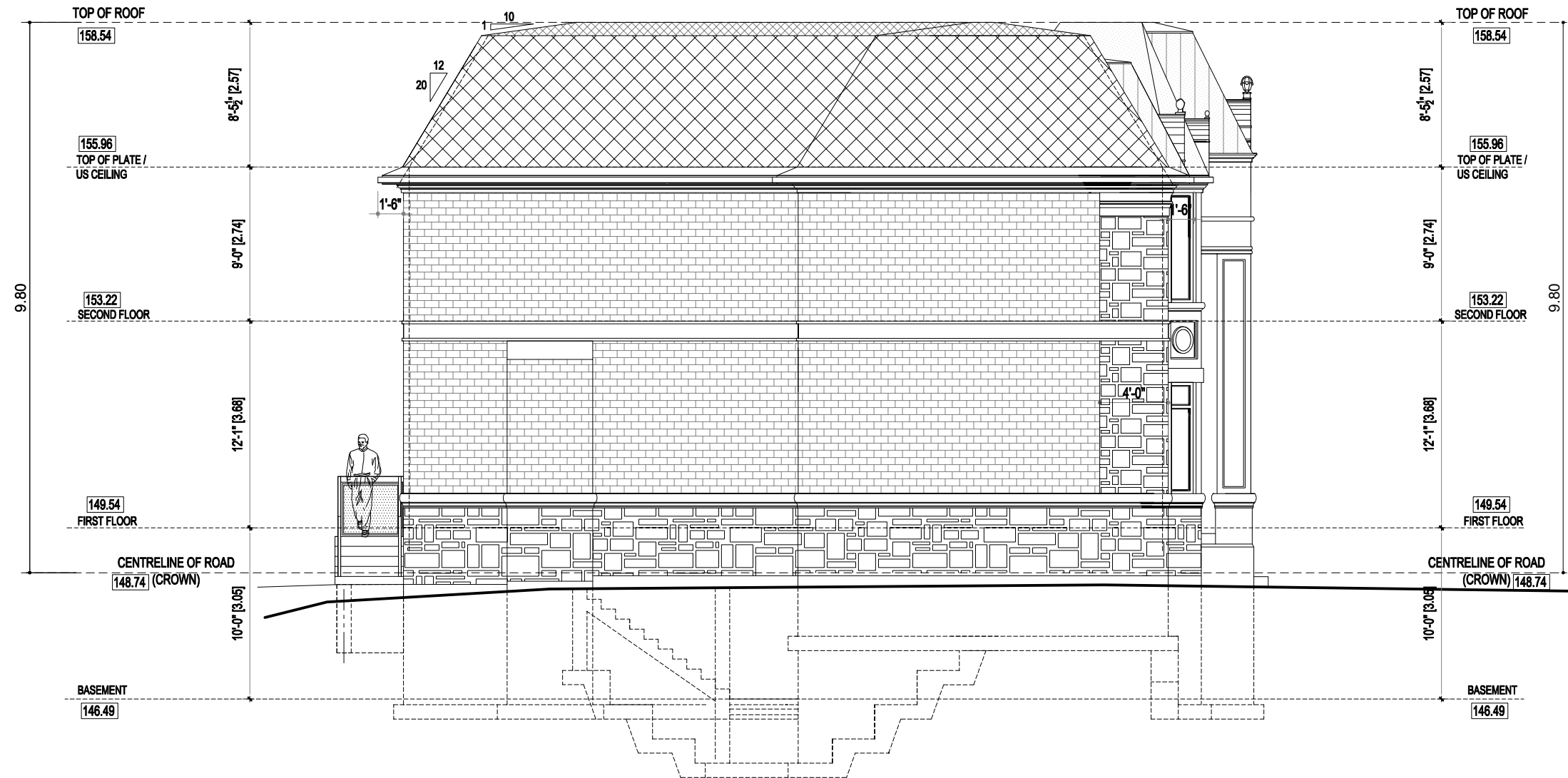
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	<p>PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<h1>A2.1</h1>
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

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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p. 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<p>A2.2</p>
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	<p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON. M3H 4W2</p> <p>p. 416 630 2106 www.paardesign.com info.paardesign.com</p>	<p>scale 1/8"=1'-0"</p>	<h1>A2.4</h1>
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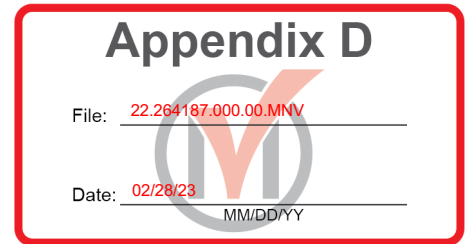
PROJECT:
No. 32
JAMES SPEIGHT RD.
City of Markham
2 STOREY DWELLING

DRW :
REAR / WEST ELEVATION

PAAR
DESIGN

PAAR DESIGN INC.
22 BLUE FOREST DR.
TORONTO ON.
M3H 4W2
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info.paardesign.com

scale 1/8"=1'-0" **A2.3**



CITY OF MARKHAM
Virtual Meeting on Zoom

February 01, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 2nd 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 Chair	7:00 PM
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Sally Yan	7:00 PM
Kelvin Kwok	7:00 PM

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

Regrets

Jeannie Reingold

DISCLOSURE OF INTEREST

None

Minutes: January 18, 2023

THAT the minutes of Meeting No. 1, of the City of Markham Committee of Adjustment, held January 18, 2023, respectively, be:

- a) Approved on February 01, 2023.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

Carried

REQUESTS FOR DEFERRAL

1. A/124/22

Owner Name: Xinyu Huang
Agent Name: Chuan Liang Architects (Chuan Liang)
7 Fredericton Road, Markham
PLAN 4427 LOT 26

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

- a) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.1 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

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

The Chair introduced the application.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. **A/124/22** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. A/138/22

Owner Name: Golden-Hauer Investments Ltd (Shawn Goldenberg)
Agent Name: Cspace Architecture (Adamo Caputo)
130 Royal Crest Court, Markham
PLAN 65M2616 LOT 12

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

- a) **Parking By-law 28-97, Section 3 - Table B:**
108 parking spaces, whereas the By-law requires 127 parking spaces;
- b) **Parking By-law 28-97, Section 5.1:**

three accessible parking spaces, whereas the By-law requires six accessible parking spaces; and

c) By-law 108-81, Section 7.4.3 (a):

a maximum floor area ratio of 43.80 percent, whereas the By-law permits a maximum floor area ratio of 40 percent;

as it related to proposed interior alterations for office space within existing warehouse.

The Chair introduced the application.

The agent, Chris Pretotto, appeared on behalf of the application.

Member Gutfreund asked for clarification of the application, confirming that the office space was being reconfigured, the business onsite and the reduction of accessible parking.

Chris Pretotto confirmed that the office space was being renovated. During the process, space was reallocated to the office area. The current tenant was Pet Valu. They had been operating on the site with one accessible parking spot and were increasing to three spots.

Member Sampson questioned the remote work justification for parking reduction and wondered if the Committee was the right place to deal with zoning changes relating to a changing work environment.

The Chair indicated that each application was viewed case by case. In this case, it was a single tenant with underutilized parking before implementing a hybrid work environment, and public transit was available nearby.

Member Gutfreund questioned the duration of variance.

Greg Whitfield confirmed that variance decisions were granted for the duration of use.

Member Yan requested additional information regarding the existing business and noted the location and proximity to public transit.

The agent indicated that the use as proposed was designed with the intent of the tenant to remain for several years.

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/138/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

2. A/225/22

Owner Name: Simon Chung
Agent Name: Gregory Design Group (Shane Gregory)
4 Soho Crescent, Markham
PLAN 65M2267 PT LOTS 42 & 43 RS65R7793 PT 1

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

a) Section 5.7 (b):

a rear uncovered walk-up stair to extend 3.85 metres (12.63 feet) into the rear yard, whereas the By-law permits a maximum encroachment of 1.5 metres (4.92 feet);

as it related to walk-out uncovered stairs for a proposed secondary suite (basement apartment).

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/225/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/122/22

**Owner Name: Shailaja Shekhar
Agent Name: Shailaja Shekhar
111 Smoothwater Terrace, Markham
PLAN 65M3908 LOT 59**

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

a) Section 6.2.1 (b):

a maximum deck projection of 4.87 metres (16.0 feet), whereas the By-law permits a maximum deck projection of 3.0 metres (9.84 feet);

as it related to a proposed deck extension.

The Chair introduced the application.

The owner, Shailaja Shekhar, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Member Sampson noted this was an existing condition and was minor in nature and supported by staff with minimal impacts to privacy for the adjacent properties.

Member Gutfreund agreed with their colleague and motioned for approval with conditions.

**Moved By: Tom Gutfreund
Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **A/122/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/251/22

**Owner Name: Minbo Yu
Agent Name: Jun An
41 West Normandy Drive, Markham
PLAN 65M3840 LOT 161**

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

a) **Section 6.3.1.2:**

a detached private garage setback of 5.26 metres from the main building on the lot, whereas the By-law permits a minimum garage setback of 6 metres;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Jun An, appeared on behalf of the application and indicated that the request was to locate mechanicals and stairs in an enclosed addition in the rear yard to maintain three parking spaces.

Member Gutfreund indicated that the application met the four tests of the *Planning Act* and motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/251/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. **A/232/22**

Owner Name: 9719342 Canada Inc. (Ying Chen)
Agent Name: DTEchline International (Daniel Allan)
4461 Highway 7, Markham
PLAN 2926 PT LOT 4

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

a) **By-law 8.2.1 & 28-97, Section (b):**

a minimum of 5 parking spaces, whereas the By-law requires a minimum of 6 parking spaces;

as it related to the conversion of salon/retail space to office space.

The Chair introduced the application.

The agent, Daniel Allan, appeared on behalf of the application.

Member Sampson confirmed that landscaping changes would impact the tandem parking.

Member Kwok indicated the use was changing from service commercial and retail to office and requested information regarding the duration parking of the office users.

The agent did not have information on the proposed uses.

The Chair indicated the site had one tandem and five unimpeded parking spots.

Member Gutfreund supported the application indicating the request was minor.

Member Yan supported the application noting that transportation engineering had no issues, and adequate parking was provided and the request was minor.

Member Prasad indicated that the application met the four tests of the *Planning Act*.

Member Kwok clarified that vehicles backed out onto Highway 7 from the parking and could create future issues. However, the member indicated that the application met the four tests of the *Planning Act* and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/232/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/235/22

Owner Name: Sivalatha Sivasubramaniam
Agent Name: Paar Design Inc. (Nikol Paar)
32 James Speight Road, Markham
PLAN 7980 LOT 67

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

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

a maximum floor area ratio of 50.93 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

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

The Chair introduced the application.

The agent, Nikol Paar, appeared on behalf of the application. The application had a positive staff report which noted no adverse impacts on neighbouring properties. In addition, the design respected the building envelope.

Sharan Somaskanthan, the owner's son, indicated the proposal was for their family, who lived in and was active in the community. Therefore, the home's design had to be modified to conform as much as possible to the zoning standards while still meeting the needs of a multigenerational family with different social and work-from-home needs.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, indicated the property was located in a neighbourhood with minimal infill development and spoke to the Official Plan policies. Elizabeth noted the open-to-below space included in the design, indicating it contributed to the visual massing of the house.

Member Gutfreund noted that the existing built form of the area was very homogenous and felt that a floor area ratio of this size was out of character, and recommended the applicant redesign with a floor area ratio below 50 percent.

Member Prasad recommended reduction of the floor area ratio to 50 percent.

Member Yan supported their colleague's, indicating the floor area ratio be reduced to less than 50 percent. The design of the house contributed to streetscape massing.

Member Sampson noted they had a similar assessment of the application, indicating that the allocation of open to below space was substantial and recommended the applicant defer the decision and return with a floor area ratio under 50 percent.

The Chair, in summary, indicated that approval was not about a specific number; instead, the concerns were massing, integration with the character of the community, and meeting the intent of the Official Plan.

The applicant requested a deferral.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Arun Prasad

THAT Application No. **A/235/22** be deferred sine die

Resolution Carried

8. A/027/22

Owner Name: Lin Yihao
Agent Name: TAES Architects Inc. (Shenshu Zhang)
10 Miner Circle, Markham
PLAN 7566 LOT 61

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

- a) **Section 6.1:**
a minimum front yard setback of 24 feet 7 inches, whereas the By-law requires a minimum front yard setback of 27 feet;
- b) **Section 6.1:**
a minimum rear yard setback of 20 feet 9 1/2 inches, whereas the By-law requires a minimum rear yard setback of 25 feet;
- c) **Section 6.1:**
a maximum building height of 26 feet 11 1/2 inches, whereas the By-law permits a maximum building height of 25 feet;
- d) **Section 3.7:**
an encroachment of 13 feet 9 inches for an uncovered walk-up stair into the required rear yard, whereas the By-law permits a maximum encroachment of 5 feet into the required rear yard;

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

The Acting Chair introduced the application.

The agent, Shenshu Zhang, appeared on behalf of the application. The agent indicated they had worked with staff to modify the application while working with the irregularly shaped lot.

Christiane Bergauer Free, 145 Krieghoff Avenue, felt the proposed height, front walkway, and garage width could be reduced. The walkout encroachment was not minor; cumulatively, the total requests were not minor. The area had significant flooding, and each new build had hard surfaces, which increased runoff to the street and adjacent properties. The application needed to be assessed in relation to the Official Plan policies.

Member Sampson noted that the irregularly shaped lot contributed to the variance requests. However, the large lot could accommodate a larger home, and the design had been created without a significant open to below allocation. Staff supported the application, and the member had no objections.

Member Gutfreund noted that while the lot size was large, the proposed build was significant, with a floor area ratio nearing 59 percent. While the area did not have floor area ratio restrictions, the building had significant massing. Member Gutfreund requested clarification regarding the orientation of the house and adjacent properties.

Shenshu Zhang responded that the build was similar in size to the adjacent properties, with a lot coverage below the permitted maximum. The house was oriented to line up with the front of the neighbouring houses.

The Chair noted that the proposed orientation of the house was similar to the orientation of the existing house. Additionally, they noted that other large homes could be seen from the property, including a house to the rear of the property. The design was in keeping with the general character of the area. Massing was governed by lot coverage and setbacks, and the requested variances were minor.

Member Gutfreund felt the build was significant; however, based on the four tests of the *Planning Act*, the requests were minor, and they would support 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/027/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. A/004/22

Owner Name: 2430032 Ontario Inc. (Kathy Zegas)
Agent Name: Gregory Design Group (Shane Gregory)
33 Washington Street, Markham
PL 18 BLK E PT LT 7

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

- a) **Table 11.3(a)(i):**
an accessory building with a height of 12.83 feet, whereas the by-law permits a maximum height of 12 feet;
- b) **Table 11.1:**
a front yard setback of 11.91 feet, whereas the By-law requires a minimum front yard setback of 25.0 feet;
- c) **By-law 99-90, Section 1.2(v):**
a maximum floor area ratio of 55.51 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
- d) **By-law 99-90, Section 1.2(ii):**
a building depth of 19.16 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to a proposed single-detached dwelling with detached garage.

The Acting Chair introduced the application.

The agent, Shane Gregory, appeared on behalf of the application. Shane went through the proposal's details related to the new dwelling's variances.

Matey Trinkaus, 29 Washington Street, indicated that they supported an aesthetically pleasing build that would contribute to the area's heritage character. However, due to previous trimming of the boundary trees, they had concerns about the impacts of the proposal on the mature walnut tree. Additionally, Matey indicated that they and other neighbours wanted the scale and design of the proposed home to respect the heritage character of the neighbourhood.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, noted the property was located within the Heritage District, which maintained a village-like built form. Elizabeth noted the policies in the Official Plan relating to infill development and Heritage districts. They indicated that the requested floor ratio did not maintain the intent of the policies, nor was it minor in nature. Elizabeth also noted that Heritage Markham had deferred to the Committee of Adjustment regarding the floor area ratio.

Lucia Cha, 35 Washington Street, expressed concerns about the size of the proposed house and detached garage, the number of windows directly facing their side yard and the overall depth of the house, which extended both in front and behind their home. They understood there would be changes to the property and were not opposed to new development. However, they wanted to highlight the current design's impact on the streetscape and the relationship to other homes on the street.

Lawrence Croutch, 29 Jerman Street, spoke about their recent build and attention to working within the development standards and the heritage guidelines. Lawrence also noted that significant tree pruning had occurred before the application.

Member Gutfreund indicated that the proposed floor area ratio was too large, given the adjacent properties and the nature of the street within the heritage district.

Member Sampson indicated that the numbers in the staff report needed to reflect the drawings concerning the lot area and the floor calculation. In addition, the member indicated that the requested variances were too large, and the design needed better transition to the heritage nature of the street.

Greg Whitfield spoke about the errors in the staff report. The correct lot area was 858.11 m², and the gross floor area was 408.3 m².

Member Yan expressed that the concerns of the area residents needed to be addressed as the proposal would impact the area's character and recommended that the applicant work with the neighbours.

Shane Gregory indicated that they had an arborist report and would share it with the neighbours and worked with City staff to ensure the tree would be retained. The side yard setbacks, as proposed, met the zoning standards and were an increase from the existing side yard. The proposal had been reviewed at Heritage Markham and met their requirements. Heritage Markham had only referred the question of the increased floor area ratio approval to the Committee of Adjustment. When considered individually, the house had a 48.3 percent floor area ratio, with the additional floor area coming from the proposed reconstruction of the detached one-storey garage on Jerman Street. Heritage Markham approved the application.

Michael Palmer, 29 Washington Street, expressed that their concerns with the house's size related to the boundary tree's health.

Russ Gregory indicated that their team had been respectful of the heritage elements and character of the street and had approval from both Heritage staff and Heritage Markham. Russ requested a deferral to allow their team to address the concerns raised.

The Chair noted that the streetscape was currently a mixture of heritage and other designs. The floor area had been added through increased depth where it would not add to the streetscape massing. The Chair reiterated that the assessment of the floor area ratio variance was not purely quantitative but also a qualitative assessment of the desirability of the request. Consideration of both streetscapes was needed when assessing the proposal to ensure that the detached garage would provide sufficient balance to the frontage on Jermain Street.

A request for the deferral had been made earlier in the meeting by Russ Gregory.

Member Sampson motioned for deferral.

Moved By: Patrick Sampson
Seconded By: Tom Gutfreund

THAT Application No. **A/004/22** be **deferred** sine die

Resolution Carried

10. A/215/22

Owner Name: Monica Nijhawan
Agent Name: CS&P Architects Inc. (Sam Spagnuolo)
16 Cachet Parkway, Markham
PLAN 6037 LOT 38

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

- a) **By-law 304-87, Section 7.5 (c):**
a maximum height of 12.31 metres, whereas the By-law permits a maximum height of 10.7 metres;
- b) **Parking By-law 28-97, Section 6.2.4.1 b) and 6.2.4.7:**
an attached garage floor lower than the street elevation, whereas the By-law requires an attached private garage floor for single detached dwelling to be higher than the street elevation;
- c) **By-law 304-87, Section 2.0:**
a second kitchen within the single family dwelling definition, whereas the By-law does not permit a secondary kitchen;
- d) **By-law 2008-21:**
the sum of both sides yards to be 8.35 metres, whereas the By-law requires 9 metres;
- e) **By-law 304-87, Section 7.5 (b):**
a side yard setback of 2.378 metres, whereas the By-law requires 3 metres;
- f) **Parking By-law 28-97, Section 6.2.4:**
a driveway width of 18 metres roundabout, whereas the By-law permits a driveway width of 6.1 metres;

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

The Acting Chair introduced the application.

The agent, Sam Spagnuolo, appeared on behalf of the application and explained that the various constraints of the pie-shaped ravine lot had influenced the siting of the design.

Member Gutfreund noted that the proposal was appropriate for an estate lot and met the four tests of the *Planning Act*.

Member Prasad agreed with their colleague, indicating that site conditions and the slope of the property contributed to the need for the variances.

Member Prasad motioned for approval with conditions.

Moved By: Arun Prasad
Seconded By: Tom Gutfreund

The Committee unanimously approved the application.

THAT Application No. **A/215/22** 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 9:10 pm, and the next regular meeting would be held on February 15, 2023.

CARRIED



Secretary-Treasurer
Committee of Adjustment



Chair
Committee of Adjustment