



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

**March 23, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 5<sup>th</sup> regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

|                             | <u>Arrival Time</u> |
|-----------------------------|---------------------|
| Tom Gutfreund, Acting Chair | 7:00 pm             |
| Jeamie Reingold             | 7:00 PM             |
| Patrick Sampson             | 7:00 PM             |
| Kelvin Kwok                 | 7:00 PM             |

**Regrets:** Gregory Knight (Chair), Arun Prasad, Sally Yan

Justin Mott, Acting Secretary-Treasurer  
Bradley Roberts, Manager, Zoning and Special Projects  
Aaron Chau, Development Technician, Zoning and Special Projects

**DISCLOSURE OF INTEREST**

None

**Minutes: March 9, 2022**

THAT the minutes of Meeting No. 04 of the City of Markham Committee of Adjustment, held March 9, 2022, respectively, be

- a) Approved as submitted, on March 23, 2022

**Moved By: Patrick Sampson**  
**Seconded By: Kelvin Kwok**

Carried

**PREVIOUS BUSINESS**

1. **A/004/20**

**Owner Name: Suncor Energy Products Partnership  
Agent Name: Brutto Consulting (Francesco Fiorani)  
7750 McCowan Road, Markham  
CON 6 PT LT 5 65R14272 PT 1 65R14126 PTS 6 & 7**

The applicant is requesting relief from the requirements of By-law 90-81 as amended, to permit:

- a) **Section 4.7.2:**  
a building to be constructed within 23.98 m of the centerline of 14th Avenue, whereas the By-law does not permit any building or structure to be constructed within 30.0 m of the centreline of any arterial road or Provincial Highway;
  - b) **Amending By-law 16-84, Section 1.5 (c)(iii):**  
a minimum side yard setback of 3.296 m, whereas the By-law requires a minimum setback of 6 m; and
  - c) **Amending By-law 16-84, Section 1.5 (e)(ii):**  
a minimum landscaped strip of 3.0 m immediately abutting 14th Avenue, whereas the By-law requires a width of not less than 9.0 m;
- as it relates to reconstructing the canopy and kiosk of an existing gas station.  
**(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent, Francesco Fiorani, appeared on behalf of the application.

Committee member Jeamie Reingold had no problem with the application, believes the proposal meets the four tests and supports the application.

Committee member Kelvin Kwok asked about the convenience store location.

Francesco Fiorani stated that staff recommended the location to be away from traffic and pedestrian safety, which will support the Urban Design guidelines.

Committee member Kelvin Kwok asked if the increase in the size of the building increased the parking requirements and the location of some of the spots close to the car wash portion.

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Francesco Fiorani stated that the City had no concerns about the location of the parking spots.

Committee member Kelvin Kwok supports the application.

**Moved By: Kelvin Kwok**  
**Seconded By: Jeamie Reingold**

THAT Application No **A/004/20** be approved subject to conditions contained in the staff report.

Resolution Carried

**2. A/130/21**

**Owner Name: Mark Li**  
**Agent Name: Yinghuan Weng**  
**8 Galsworthy Drive, Markham**  
**PLAN 4949 LOT 125**

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

- a) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 49.78 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- as it relates to a proposed two storey detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Julius De Ruyter, appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Drive is concerned about the open to below.

The owner Mark Li stated that he communicated with Councillor Karen Rea about the design and presented his explanation on the reason for the height.

Committee member Patrick Sampson supports the application.

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Committee member Jeamie Reingold is happy with the changes to the plans and supports the application.

Committee member Kelvin Kwok is happy with the changes and likes that they preserved the trees, and he supports the application.

Acting Chair, Tom Gutfreund, is happy with the changes as well.

**Moved By: Patrick Sampson**  
**Seconded By: Kelvin Kwok**

THAT Application No **A/130/21** be approved subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

**1. A/193/21**

**Owner Name: Patrick Lam**  
**Agent Name: Z Square Group (Mengdi Zhen)**  
**33 Alanadale Avenue, Markham**  
**PLAN 5810 LOT 23**

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

- a) **Section 11.2 (c)(i):**  
an encroachment of 114.5 inches of basement walkout stairs into the rear yard, whereas the By-law permits a maximum of 18.0 inches;
- b) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 50.59 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

as it relates to a proposed two-storey dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Zhen Mengdi appeared on behalf of the application.

Elizabeth Brown of 65 Lincoln Green Drive is concerned about the open to above.

Committee member Patrick Sampson is concerned about the Floor Area Ratio variance.

Committee member Jeamie Reingold is worried about the size of the proposed dwelling, and that it appears to have much massing.

Committee member Kelvin Kwok is concerned about the open to above.

The agent Zhen Mengdi responded that the variances were minor.

Acting Chair, Tom Gutfreund, clarified that the committee is not supportive of the variances right now and provided options of a decision or a request for deferral to allow for adjustments.

The agent Zhen Mengdi requested a deferral.

**Moved By: Patrick Sampson**  
**Seconded By: Jeamie Reingold**

THAT Application No **A/193/21** be deferred sine die.

Resolution Carried

2. **A/197/21**

**Owner Name: 2690622 Ontario Inc. (Jason Xu)**  
**Agent Name: Macaulay Shiomi Howson (Nick Pileggi)**  
**4077 7 Highway East, Markham**  
**CON 5 PT LOT 10**

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

- a) **By-law 2004-196, Section Schedule J3 (By-law 2014-9):**  
a minimum building height of 7.5 metres, whereas the By-law requires a minimum height of 12.0 metres;
- b) **By-law 2004-196, Section Schedule J3 (By-law 2014-9):**  
a maximum building height of 28.5 metres only, whereas the By-law permits a maximum building height of the lesser of 6 storeys or 20.0 metres;

- c) **By-law 2004-196, Section Schedule J4 (By-law 2014-9):**  
a minimum building setback of 1.8 metres, whereas the By-law requires a minimum building setback of 2.0 metres, or 3.0 metres, where any part of any dwelling unit is within the first storey of a building located within 10 metres of the streetline or a lot line;
  
  - d) **By-law 2004-196, Section Schedule J4 (By-law 2014-9):**  
a minimum setback of 0.3 metres for the underground parking garage from the streetline, whereas a minimum of 1 metre from the streetline is required;
  
  - e) **By-law 2004-196, Section 3.0:**  
mechanical features or portions of the building containing mechanical equipment to project a maximum of 5.40 metres above the highest point of the roof surface, whereas the By-law permits a maximum of 5.0 metres;
- as it relates to the proposed mid-rise residential building. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Nick Pileggi appeared on behalf of the application.

Acting Chair, Tom Gutfreund, asked the agent about variance D.

The agent, Nick Pileggi, stated he believes that all of the portions of the underground garage meet the requirements.

Committee member Kelvin Kwok asked about variance A.

The agent, Nick Pileggi, stated that the foyer area of the building triggered the variance.

Committee member Kelvin Kwok supports the application.

Committee member Patrick Sampson supports the application.

**Moved By: Kelvin Kwok**  
**Seconded By: Patrick Sampson**

THAT Application No **A/197/21** be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/200/21**

**Owner Name: Julie & Chris Gibson**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**12 Parkway Avenue, Markham**  
**PLAN 2485 LOT 22**

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

- a) **By-law 1229, Section 11.2 (c)(i):**  
stairs to encroach 24.0 inches into the required front yard, whereas the B-law permits a maximum of 18.0 inches into any required yards;
- b) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 50.70 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum depth of 22.04 metres, whereas the Bylaw permits a maximum depth of 16.8 metres;

as it relates to the proposed two storey single detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

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

Committee member Patrick Sampson was concerned about the floor area ratio.

Committee member Jeamie Reingold supports the application.

Committee member Kelvin Kwok understands the size of the lot and supports the proposal.

Acting Chair, Tom Gutfreund, believes the variances are appropriate for the lot.

**Moved By: Jeamie Reingold**  
**Seconded By: Kelvin Kwok**

THAT Application No **A/200/21** be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/201/21**

**Owner Name: Gary Luk**  
**Agent Name: Henry Wen**  
**29 Fred Varley Drive, Markham**  
**PLAN 7566 PT BLK C PARCEL 2**

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

- a) **By-law 122-72, Section 5.7:**  
an uncovered and unenclosed rear walk-up stair and its retaining foundation wall to encroach 7'8" into the required rear yard, whereas the By-law does not have any encroachment provision for the rear stair;
- b) **By-law 122-72, Section 11.2:**  
a minimum side yard setback of 4'0-1/2" for a two-storey building, whereas the By-law requires a minimum side yard setback of 6.0 feet;
- c) **By-law 122-72, Section 11.2:**  
a maximum lot coverage of 35.70 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

as it relates to a proposed two-storey detached dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent, Henry Wen, appeared on behalf of the application.

Committee member Patrick Sampson wanted to know what other committee members thought.

Committee member Jeamie Reingold asked if there was a way to reduce the side-yard setback.

The agent, Henry Wen, stated the yard is irregular shaped. He also stated that they could add planters for green space.

Committee member Kelvin Kwok asked if this was a legal non-conforming.

The agent, Henry Wens, stated that the file is not for a legal non-conforming.



The owner, Gary Luk, stated that he is building on top of the existing foundation. Therefore, it won't affect the side yard setbacks. The front of the property will have flower beds and keep in line with the other properties greenery.

Manager of Zoning & Special Projects, Brad Roberts, presented the elevations and explained how the side yard setback variances would work on the property.

Acting Chair Tom Gutfreund discussed the neighbourhood's character and this development could balance the neighbourhood.

Committee member Kelvin Kwok asked about the outdoor kitchen.

The Owner, Gary Luk, stated it was not an outdoor kitchen.

Committee member Jeamie Reingold withdraws her previous statement and agrees with Acting Chair Tom Gutfreund.

**Moved By: Patrick Sampson**  
**Seconded By: Kelvin Kwok**

THAT Application No **A/201/21** be approved subject to conditions contained in the staff report.

Resolution Carried

**5. A/005/22**

**Owner Name: SHRESTHA ENGINEERING INC (LAJANA SHRESTHA)**  
**Agent Name: SHRESTHA ENGINEERING INC (LAJANA SHRESTHA)**  
**113 Cimmaron Street, Markham**  
**PLAN 65M2525 PT BLK 107 RS65R11208 PARTS 1 & 2**

The applicant is requesting relief from the requirements of By-law 90-81, as amended to permit:

- a) **By-law 90-81, Section 6.3.1:**  
a Second Dwelling unit, whereas the By-law does not permit Second Dwelling Units in the RST1 Zone;
- as it relates to a proposed secondary dwelling unit (basement suite). (**East District, Ward 7**)

The Secretary-Treasurer introduced the application.

The agent, Sujan Shrestha, appeared on behalf of the application.

Committee member Patrick Sampson supports the application.

**Moved By: Patrick Sampson**  
**Seconded By: Kelvin Kwok**

THAT Application No **A/005/22** be approved subject to conditions contained in the staff report.

Resolution Carried

**6. A/018/22**

**Owner Name: Farha Fatima Baquer**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**225 Church Street, Markham**  
**PLAN 180 PTBLK G RS64R6233 PART 1**

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

- a) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 49.75 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- b) **Amending By-law 99-90, Section 1.2 (ii):**  
a maximum building depth of 18.97 m, whereas the By-law permits a maximum building depth of 16.80 m;
- c) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.80 m, whereas the By-law permits a maximum building height of 9.80 m;

as it relates to the proposed two-storey detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Nikol Paar, appeared on behalf of the application.

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Patrick King of 71 Oak Lea Circle is concerned about the height and the preservation of trees.

Elizabeth Brown of 65 Lincoln Green Drive stated that the proposal is not minor.

Acting Chair, Tom Gutfreund, stated that the dwelling is large in massing, height and privacy.

Committee member Jeamie Reingold is concerned about privacy, and the dwelling appears tall and large.

The agent, Nikol Paar, commented on the privacy issue. There are trees at the back of the dwelling, and there are more than 20 m's between the subject building and the other at the back. They would be willing to remove the balcony if this solves the problem. The first-floor height is 11 feet, and the clear height is 10 feet. The agent would request a deferral.

Patrick King of 71 Oak Lea Circle is concerned about the position of the lot.

The agent, Nikol Paar, stated that they would communicate with the neighbours.

THAT Application No **A/018/22** be deferred sine die

Resolution Carried

**Moved By: Jeamie Reingold**  
**Seconded By: Kelvin Kwok**

Adjournment

**Moved by: Kelvin Kwok**  
**Seconded by: Patrick Sampson**

THAT the virtual meeting of the Committee of Adjustment be adjourned at 8:44 pm, and the next regular meeting will be held on April 6, 2022.

CARRIED



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Acting Secretary-Treasurer  
Committee of Adjustment



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Acting Chair  
Committee of Adjustment