



**CITY OF MARKHAM**  
101 Town Centre Boulevard  
Markham, Ontario  
Council Chambers

**January 23, 2019**  
**7:30 p.m.**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 1<sup>st</sup> regular meeting of the Committee of Adjustment for the year 2019 was held at the time and place above with the following people present:

	<u>Arrival Time</u>
Gregory Knight	7:30PM
Philip Gunn, Chair	7:30PM
Gary Mueller, Vice Chair	7:30PM

Justin Leung, Secretary-Treasurer  
Brad Roberts, Manager, Zoning and Special Projects

Absence  
Jeannie Reingold  
Tom Gutfreund  
Gregory Knight  
Arun Prasad

**Minutes: December 12, 2018**

THAT the minutes of Meeting No. 21 of the City of Markham Committee of Adjustment, held December 12, 2018, be

- a) Approved as submitted, on January 23, 2019

**Moved By: Gary Muller**  
**Seconded By: Gregory Knight**

Carried

**DISCLOSURE OF INTEREST –**

None

**PREVIOUS BUSINESS:**

**1. A/154/18**

**Owner Name: Mr Tao Song  
Agent Name: SHENSHU ZHANG  
24 Windridge Dr, Markham  
PLAN 4429 LOT 7**

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

- a) **Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.2, whereas the By-law permits a maximum building height of 9.8 m;
- b) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 49.88 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as they relate to a proposed two storey dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang requested deferral to revise their proposal and design.

**Moved By: Gregory Knight  
Seconded By: Gary Muller**

THAT Application No. A/154/18 be deferred sine die.

Resolution Carried

**2. A/167/18**

**Owner Name: Jie Zhou  
Agent Name: Vince Emam Jomeh  
41 Hawkridge Ave, Markham  
PLAN 4065 PT LOT 7**

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

- a) **In-fill By-law 99-90, Sec. 1.2 (vi):**  
a maximum floor area ratio (FAR) of 49.96 percent, whereas the By-law permits a maximum FAR of 45 percent;

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

The Secretary-Treasurer introduced the application.

The agent Mr. Jomeh spoke on behalf of the application. He indicated that since last meeting, changes have been made to the proposal in discussion with municipal staff.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown indicated that the new proposal is not significantly different from previous submitted proposal. The prominence of the design in relation to the local street level is of concern. She recommends this application be deferred again so changes can be made to proposal to make it less dominating to local streetscape.

Committee member Gary Muller asked about the roof design.

Mr. Jomeh responded that they were only focusing on floor area ratio and not roof design.

The Chair stated deferral could be preferable to look at changes to design.

**Moved By: Gary Muller**

**Seconded By: Gregory Knight**

THAT Application No. A/167/18 be deferred sine die.

Resolution Carried

**3. A/168/18**

**Owner Name: Yun Ling**

**Agent Name: AND Architecture Inc. (Sam Wu)**

**9 Lincoln Green Dr, Markham**

**PLAN 5810 LOT 100**

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

- a) **Infill By-law 99-90, Section 1.2(vi):**  
to permit a maximum floor area ratio of 49.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Section 11.2(c)(i):**

to permit steps to encroach 2 feet 9 inches into the required front yard, whereas the By-law permits a maximum encroachment of 18 inches into any required yard.

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

The Secretary-Treasurer introduced the application.

The agent Sam Wu spoke on behalf of the application.

A resident spoke in opposition to the application. She indicated concerns about vacant properties and use of properties as Airbnb. She stated someone came to speak with her at her door and presented inaccurate comments.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The exterior design could be revised to be more architecturally interested. This proposal is quite large and should not be approved.

**Moved By: Gregory Knight**

**Seconded By: Gary Muller**

THAT Application No. A/168/18 be deferred sine.

Resolution Carried

**4. A/128/18**

**Owner Name: Angela Tzu Ting Liao**

**Agent Name: AND Architecture Inc (Henry Wang)**

**41 Lillian Ave, Thornhill**

**CON 1 PT LOT 28 PLAN 9767 LOT 40**

**a) Section 6.1:**

a minimum side yard setback of 1.52 m (south); whereas, the by-law requires a minimum side yard setback of 1.8 m on each side;

**b) Section 6.1:**

a minimum side yard setback of 1.53 m (north); whereas, the by-law requires a minimum side yard setback of 1.8 m on each side;

**c) Infill By-law 101-90; Section 1.2 (i):**

a maximum building height of 9.1 m; whereas, the by-law permits a maximum building height of 8.6 m;

**d) Infill By-law 101-90; Section 1.2 (vii):**

a maximum floor area ratio of 55 percent (3,649 sq.ft.); whereas, the by-law permits a maximum floor area ratio of 50 percent (3,321 sq. ft.);

as it relates to a proposed residential dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Henry Wang spoke on behalf of the application.

David Pursani of 39 Lillian Avenue spoke in opposition to the application. Mr. Pursani has concern about the side yard setback requests. He inquired about if a home occupation and secondary suite could be put into this proposed dwelling.

Arzad Maman of 40 Lillian Avenue spoke in opposition to the application. When her husband attended the December 12, 2018 meeting, her husband did not receive an adequate response on why they wanted to build such a proposed home.

The Chair indicated this is the third time this application has been brought to the Committee. It appears the side yard setbacks have not been addressed.

Mr. Wang responded that this is a modern design meeting modern family needs.

Committee member Gary Muller asked if they could change roof design possibly to peaked roof. He also asked if variance A and C could be removed.

**Moved By: Gregory Knight**  
**Seconded By: Gary Muller**

THAT Application No. A/128/18 be denied.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

**5. A/170/18**

**Owner Name: Craigmore Construction Ltd (Sid Jelinek)**  
**Agent Name: Stantec Consulting Ltd. (David Charezenko)**  
**100 Carlton Rd, Markham**  
**PLAN M1440 PT BLK N RS66R10210 PT 1**

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

**a) Section 8.1:**

to permit a commercial school, whereas the By-law does not permit a commercial school. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent David Charezenko spoke in relation to the application. The proposed 'school' is day care type operation. Parking will be adequately accommodated.

Daniel Hu works at neighbouring school of 120 Carlton Road spoke in support of the application. He has documents indicating traffic concerns are unfounded.

Committee member Gary Muller feels the proposal is appropriate.

**Moved By: Gary Muller**

**Seconded By: Gregory Knight**

THAT Application No. A/170/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

**NEW BUSINESS:**

1. **A/171/18**  
**Owner Name: SAEED TAMIJI & SHOREH HAGHGOOIAN**  
**Agent Name: Nahid Koochi**  
**46 Woodward Ave, Thornhill**  
**PLAN 2446 LOT 241**

The applicant is requesting relief from the requirements of By-law 2237, as amended to permit:

- a) **By-law 101-90 Section 1.2(vii):**  
a maximum floor area ratio of 52.9 percent, whereas the By-law permits a maximum floor area ration of 50 percent;

**b) Section 6.1:**

a minimum west sideyard setback of 1.51 metres and a minimum east sideyard setback of 1.53 metres; whereas the By-law requires a minimum interior sideyard setback of 1.8 metres on both sides;

**c) By-law 101-90 Section 1.2(i):**

a maximum building height of 8.9 metres, whereas the By-law permits a maximum building height of 8.6 metres;

as they relate to a proposed two storey residential dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Nahid Koochi spoke in relation to the application. He indicated that the proposal meets the four test for a minor variance. This new house is similar in scale to existing homes in the immediate area.

**Moved By: Gary Muller**

**Seconded By: Gregory Knight**

THAT Application No. A/171/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

**2. A/172/18**

**Owner Name: Q-West Centre Inc (Denis Gubert)**

**Agent Name: KLM Planning Partners Inc. (Alistair Shields)**

**Q-West Centre Inc 8570 Woodbine Ave, Markham**

**CON 3 PT LT 11 65R35635 PTS 1, 2, 3**

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

**a) Amending By-law 2015-122, Section 7.115.3 m) 2) i):**

restaurants within shopping centres including associated food courts or eating areas to have a parking rate of 1 parking space per 25 square metres of leasable floor area for that portion which occupies 32 percent or less of the total leasable floor area of the shopping centre, whereas the By-law requires 1 parking space

per 25 square metres of leasable floor area for that portion which occupies 20 percent or less of the total leasable floor area of the shopping centre;

**b) Amending By-law 2015-122, Section 7.115.3 m) 2) ii):**

restaurants within shopping centres including associated food courts or eating areas to have a parking rate of 1 parking space per 9 metres of leasable floor area for that portion which occupies more than 32 percent of the total leasable floor area of the shopping centre, whereas the By-law requires 1 parking space per 9 metres of leasable floor area for that portion which occupies more than 20 percent of the total leasable floor area of the shopping centre;

as they relate to a commercial development. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application. He also indicated that the variances on application weren't properly identified. As such, staff recommend deferral and re-notification of proper variances to public occur.

**Moved By: Gary Muller**

**Seconded By: Gregory Knight**

THAT Application No. A/172/18 be deferred sine die.

Resolution Carried

**3. A/173/18**

**Owner Name: GUANJUN WANG**  
**Agent Name: Paar Design (Nikol Paar)**  
**31 Jeremy Dr, Markham**  
**PLAN 7566 LOT 2**

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

**a) Section 6, Schedule B:**

a maximum lot coverage of 33.88 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;

**b) Section 6, Schedule B:**

a maximum building height of 27 feet, whereas the By-law permits a maximum building height of 25 feet;

as it relates to a proposed residential dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Nikol Paar spoke on behalf of the application.



The Chair asked about wooden structure on site.

Ms. Paar responded it is a shed that is to be removed.

**Moved By: Gary Muller**

**Seconded By: Gregory Knight**

THAT Application No. A/173/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

**4. A/174/18**

**Owner Name: Parvin Rangchian**

**Agent Name: Manoush Hakimi**

**155 Fitzgerald Ave, Markham**

**PLAN 7566 LOT 274**

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

**a) Section 6.4, Schedule B1:**

a maximum building height of 26 feet, whereas the By-law permits a maximum building height of 25 feet;

**b) Section 6.4, Schedule B1:**

a maximum lot coverage of 33.7 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;

as it relates to a proposed residential dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Manoush Hakimi spoke on behalf of the application. Mr. Hakimi indicated that the design is similar to other houses in the neighbourhood.

**Moved By: Gregory Knight**

**Seconded By: Gary Muller**

THAT Application No. A/174/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

5. **A/153/18**  
**Owner Name: K&B Tires&Mags inc. (Kevin Barber)**  
**91 Anderson Ave, Markham**  
**YORK REGION CONDO PLAN 750 LEVEL 1 UNIT 7**

The applicant is requesting relief from the requirements of By-law 88-76, as amended to permit:

- a) **Parent By-law 88-76, Section 7.1 & 5.23 :**  
to permit retail sales and installation of tires, whereas the by-law prohibits retail sales, whether or not accessory or incidental to a permitted use. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The applicant Kevin Barber appeared on behalf of the application. Mr. Barber indicated that By-law Services found the use is not permitted for the zone they are in. As such, he has elected to apply for variance to legalize this existing use.

Liz Brown of 65 Lincoln Green Drive spoke in support of the application. She has colleague who also operates at this industrial plaza who supports this application as well.

**Moved By: Gregory Knight**  
**Seconded By: Gary Muller**

THAT Application No. A/153/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

6. **A/175/18**

**Owner Name: Mehdi Dadar**  
**Agent Name: Land & Building Experts (Aarthi Thaya)**  
**37 Chumleigh Cres, Thornhill**  
**PLAN M1444 N PT LOT 363 RS66R6731 PART 7**

The applicant is requesting relief from the requirements of By-law 2612, as amended to permit:

- a) **By-law 119-71, Section 1 (a) :**  
a secondary suite, whereas the By-law permits no more than one single detached dwelling on one lot;
- b) **Parking by-law 28-97, Section 3.0 :**  
a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

as it relates to a proposed basement apartment. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Aarthi Thaya appeared on behalf of the application.

The Chair asked about parking arrangement in garage.

Mr. Thaya responded it is tandem arrangement.

Alex Chan represent group of homeowners spoke in opposition to the application. Mr. Chan inquired about parking arrangement at site and if it works as proposed.

Committee member Gregory Knight stated he recognizes staff comments on not allowing third parking space.

**Moved By: Gregory Knight**  
**Seconded By: Gary Muller**

THAT Application No. A/175/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

7. **A/178/18**

**Owner Name: 49th Summit Investment Inc. (Zhang Tan Zheng)**  
**Agent Name: AND Architecture Inc. (Sam Wu)**  
**49th Summit Investment Inc.**  
**25 Galsworthy Dr, Markham**  
**PLAN 4949 LOT 128**

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

- a) Infill By-law 99-90, Section 1.2 (vi):**  
a maximum net floor area ratio of 51.5 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent;

as it relates to a proposed new residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Sam Wu appeared on behalf of the application. The proposed development is also to address evolving needs of modern families.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She stated there were other new builds in area that were done without variance request.

Mr. Wu responded he did not believe open to below is issue with proposal.

**Moved By: Gary Muller**  
**Seconded By: Gregory Knight**

THAT Application No. A/178/18 be deferred sine die.

Resolution Carried

8. **A/176/18**

**Owner Name: First Markham Place Properties Inc. (Ornella Richichi)**  
**Agent Name: Macaulay Shiomi Howson (Lorelei Jones)**  
**First Markham Place Properties Inc. 3265 7 Hwy, Markham**  
**CON 4 PT LOT 10 65R20150 PTS 8, 9 65R19636 PT 11, 12, 13, 14, 16 AND**  
**PT PT 10**

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

- a) **Amending By-law 2016-147, Section 1.1 (a):**  
a total gross floor area of 4,860 sq m, whereas the By-law permits one "Supermarket or Food Store" with a gross floor area of up to 2,550 sq m.

as it relates to a proposed Supermarket. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Lorelei Jones appeared on behalf of the application. Originally, a re-zoning application was done to allow this proposal. This use will be locating in a currently vacant space. Retail competition is not argument to oppose this variance application. The adjacent Winco Supermarket was facilitated through a re-zoning application. In reviewing location of persons who submitted written comments, they appear to be spread out throughout city.

David Tang of Miller Thomson representing Winco Supermarket spoke in opposition to the application. Mr. Tang stated that the use is not in question. It is the minimum floor area which is in question. Parking standards could be of issue. If space is vacant, does not mean that it needs to be occupied.

Committee member Gary Muller inquired if this is within a shopping centre. It appears if parking rate is calculated for shopping centre, would this proposal not meet zoning requirements.

Mr. Tang responded that he did not believe this was the case. He believes the zoning contemplates mixed uses of varying intensities.

Henry Chiu of Cheng He Supermarket (prospective tenant) indicated this supermarket is looking to expand into Markham.

The Chair indicated that rapid transit is being improved on Highway 7.

Committee member Gregory Knight asked if this is minor application.

Ms. Jones indicated variance is not just numerical assessment.

**Moved By: Gary Mueller**  
**Seconded By: Gregory Knight**

THAT Application No. A/176/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

9. **A/181/18**

**Owner Name: Canderel (Neil Vorhrah)**  
**Agent Name: Malone Given Parsons Ltd. (Lincoln Lo)**  
**Canderel 3500 Steeles Ave, Markham**  
**PLAN M1785 PT BLK C 66R10113 PT 1**

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

a) **Section 6.1(f):**

a minimum gross floor area of 970 m<sup>2</sup>, whereas the by-law requires a minimum gross floor area of 1,400 m<sup>2</sup>;

as it relates to a proposed generator building. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Lincoln Lo spoke appeared on behalf of the application. Generous setbacks are still there for the proposed generator. Noise attenuation will also be addressed. Tree compensation will need to be done.

The Chair asked about capacity of generator. Also is there diesel generation on site.

It is a 5 megawatt facility for the office tenants. There is life saving and some tenant specific generators. This generator is for one of the tenants and is diesel.

**Moved By: Gregory Knight**  
**Seconded By: Gary Muller**

THAT Application No. A/181/18 be approved subject to conditions contained in the report.

The Committee, in making its decision on this matter, took into consideration the written comments received on the application. Oral submissions have been taken into consideration as well.

Resolution Carried

**OTHER BUSINESS**


-The Secretary-Treasurer informed the Committee that Clerks Department would be running a Committee/Board information session on January 31, 2019 at 7:00PM at Markham Civic Centre. Clerks had requested a Committee of Adjustment member attend to provide information to any members of public who attend. In the event no Committee member is available, Secretary-Treasurer would attend instead.

**MOTION TO ADJOURN**

**Moved by Gregory Knight  
Seconded by Gary Muller**

THAT the meeting of Committee of Adjustment be adjourned at 9:47 p.m., and the next regular meeting will be held on February 6, 2019.

CARRIED

  
\_\_\_\_\_  
Secretary-Treasurer,  
Committee of Adjustment

  
\_\_\_\_\_  
Chair  
per Tom Gottfreund