



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

**June 26, 2019**  
**7:30 p.m.**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 11<sup>th</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, Chair	7:30PM
Jeamie Reingold	7:30PM
Tom Gutfreund	7:30PM
Arun Prasad	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM

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

*Absence*  
Kelvin Kwok

**Minutes: June 12, 2019**

THAT the minutes of Meeting No. 10 of the City of Markham Committee of Adjustment, held June 12, 2019, be

- a) Approved as submitted, on June 26, 2019

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

Carried

**DISCLOSURE OF INTEREST –**

None

**PREVIOUS BUSINESS:**

**1. A/34/19**

**Owner Name: EDISON CHONG  
Agent Name: Thomas Yeung  
15 Francesco Crt, Markham  
PLAN 65M4464 LOT 9**

The applicant is requesting relief from the requirements of By-law 118-79, as amended to permit:

**a) Deck By-law 142-95, Section 2.2(b)(i):**  
a maximum deck projection of 4.98m, whereas the By-law permits a maximum projection of 3.0m;

as it relates to a rear yard deck extension that was built without a building permit.  
**(Central District, Ward 3)**

The Secretary-Treasurer introduced the application. It was also indicated to the Committee that a resident had indicated perceived bias of the Secretary-Treasurer in communication to them. The Committee was advised and did have any comments or issues and proceeded to hear the application.

The applicant Edison Chong appeared on behalf of the application. Existing trees on the site will not be affected. Additional trees for privacy will be planted.

Committee member Tom Gutfreund asked about height of proposed cedars. Also appears to increase privacy to neighbours for this deck.

Thirty cedars of 1.6 metres to be planted on property. They can eventually grow to 20 feet.

Committee member Arun Prasad asked if this is a walkout basement. He also stated that the proposed height fence should be increased from 6 to 12 feet for added privacy.

The applicant responded it is a walkout basement. He also indicated that a more comprehensive landscape plan had been prepared.

Committee member Jeamie Reingold stated she does not believe the landscape plan as prepared is sufficient to address neighbouring resident concerns.

Committee member Patrick Sampson indicated he does not support application as this deck was built illegally. The builder should have been aware and they could revise proposal to comply with Zoning By-law requirements.

Committee member Tom Gutfreund stated if different type of cedars or plantings could be placed for increased privacy.

The applicant responded that 8 feet cedars could be planted.

Committee member Jeamie Reingold commented that the ambiguity on how this deck was constructed raises other questions. Landscape plan does not appear to have been put together in a comprehensive manner.

The applicant indicated that approximately \$25000 to do the proposed plantings.

The Chair also stated what has been submitted is an arborist report and not a landscape plan.

The applicant responded that they could look to defer for revised landscape plan to show increased plantings and privacy for neighbours.

**Moved By: Arun Prasad**  
**Seconded By: Sally Yan**

THAT Application No. A/34/19 be deferred sine die.

Resolution Carried

**NEW BUSINESS:**

1. **A/48/19**

**Owner Name: Rick & Allyson Gubb**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**40 Albert St, Markham**  
**PLAN 157 BLK A PT LOT 7**

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

**a) Section 11.1:**

a minimum front yard setback to porch of 3.5m, whereas the By-law requires a minimum front yard setback of 7.5m;

**b) Amending By-law 61-94, Section 1:**

a minimum south side yard setback of 1.22m, whereas the By-law requires a minimum setback of 1.83m;

**c) Section 11.3 (vi):**

a minimum garage side and rear yard setback of 0.91m, whereas the By-law requires a minimum of 1.22m;

**d) Parking By-Law 28-97, Section 6.2.4.4:**

a driveway of 20 inches from the lot line;

**e) Table 11.1:**

a maximum lot coverage of 59.5 percent, whereas the By-law permits a maximum lot coverage of 40 percent for a semi-detached dwelling (pair);  
as it relates to two new semi-detached dwellings. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. Mr. Gregory stated they had approached residents to discuss the proposal and they were generally supportive. He believes the proposal will be compatible for the neighbourhood which is also a neighbourhood in transition.

Liz Brown of 65 Sherwood Forest Drive spoke in opposition to the application. Ms. Brown indicates that she does not believe staff report is indicating full support for this proposal. The lot coverage is not appropriate for this proposal.

Mr. Gregory responded that he did not believe Ms Brown had interpreted report appropriately. For lot coverage, this request is due to the lot size of this property.

Committee member Tom Gutfreund indicated that only the lot area request is concerning. If lot area could be done to be under 50% that would be more acceptable.

Mr. Gregory commented that he would have to look at proposal again and see what he could do.

The Chair stated that there is a variety of housing design on this street.

**Moved By: Tom Gutfreund**

**Seconded By: Patrick Sampson**

THAT Application No. A/48/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**2. A/49/19**

**Owner Name: Corina Champion  
Agent Name: Gregory Design Group (Russ Gregory)  
59 George St, Markham  
PLAN 2485 LOT 19**

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 Net Floor Area (NFA) of 51.55 percent, whereas the By-law permits a maximum NFA of 45 percent;

**b) Infill By-law 99-90, Section 1.2 (iii):**

a maximum building depth of 18.5m, whereas the By-law permits a maximum building depth of 16.8m;

**c) Infill By-law 99-90, Section 1.2 (i):**

a maximum building height of 10.21m, whereas the By-law permits a maximum building height of 9.8m;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. He indicated it is an appropriate design for the area.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. It appears to be quite a large house.

Committee member Jeamie Reingold considers proposal meeting the four tests for a minor variance.

Mr. Gregory is requesting that the Metrolinx related condition be removed.

The Chair commented that the condition may need to be kept.

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

THAT Application No. A/49/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/50/19**

**Owner Name: Nicole Sgovio & Massimo Demarinis**  
**Agent Name: Gregory Designs (Shane Gregory)**  
**15 Galsworthy Dr, Markham**  
**PLAN 4949 LOT 133**

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 Net Floor Area (NFA) of 49.50 percent, whereas the By-law permits a maximum NFA of 45 percent;

**b) Infill By-law 99-90, Section 1.2 (iii):**

a maximum length of dwelling of 20.63m, whereas the By-law permits a maximum building depth of 16.80m;

**c) Infill By-law 99-90, Section 1.2 (i):**

a maximum building height of 10.61m, whereas the By-law permits a maximum building height of 9.8m;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. The net floor area was kept down. The design will fit in to the neighbourhood.

Douglas Bull of 14 Jonquil Crescent spoke in opposition to the application. It appears to be an excessive proposal. Mr. Bull has seen 6 variances in his area in the past but this request appears more significant than those previous ones.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Ms. Brown commented it appears to be three car garage and not two car garage, as indicated in the staff report. She does not believe the building height and three car garage is acceptable for this location.

Mr. Gregory responded that the planner who reviewed the proposal defined it as two car garage.

Committee member Tom Gutfreund does have concern with proposed building height.

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

Reduction of building height to 10.2 metres.

THAT Application No. A/50/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/51/19**

**Owner Name: Madison Homes Cornell Limited (Miguel Singer)**  
**Agent Name: Cornell Rouge Development Corp. (Shana Rezvan)**  
**Madison Homes Cornell Limited**  
**8 Sam Priestley Ave, Markham**  
**65M4544 LOT 16**

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

**a) Section 7.190.2 (a)(i):**  
a minimum front yard setback of 2.80m, whereas the By-law requires a minimum front yard setback of 3.0m;

as it relates to a proposed two storey single detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Shana Rezvan appeared on behalf of the application.

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

THAT Application No. A/51/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/52/19**

**Owner Name: Madison Homes Cornell Limited (Miguel Singer)**  
**Agent Name: Cornell Rouge Development Corp. (Shana Rezvan)**  
**Madison Homes Cornell Limited**  
**6 Sam Priestley Ave, Markham**  
**65M4544 LOT 17**

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

**a) Section 7.190.2 (a)(i):**

a minimum front yard setback of 2.80m, whereas the By-law requires a minimum front yard setback of 3.0m;

as it relates to a proposed two storey single detached dwelling. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Shana Rezvan appeared on behalf of the application.

**Moved By: Arun Prasad**

**Seconded By: Tom Gutfreund**

THAT Application No. A/52/19 be approved subject to conditions contained in the staff report.

Resolution Carried

6. **A/53/19**

**Owner Name: Cui Zhu Liang**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**11 Princess St, Markham**  
**PLAN 436 PTBLK F**

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

**a) Section 11.1:**

a minimum front yard setback to porch of 5.51m, whereas the By-law requires a minimum front yard setback of 7.62m;

**b) Section 11.1:**

a minimum rear yard setback to porch of 3.88m, whereas the By-law requires a minimum setback of 7.62m;



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

a Net Floor Area (NFA) of 50.70 percent, whereas the By-law permits a maximum NFA of 45 percent;

**d) Infill By-law 99-90, Section 1.2 (i):**

a maximum building height of 10.9m, whereas the By-law permits a maximum building height of 9.8m;

**e) Infill By-law 99-90, Section 1.2 (iii):**

a maximum building depth of 16.91m, whereas the By-law permits a maximum building depth of 16.76m;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. Due to topography of site, accounts for the building height.

Laura Shara of 88 Main Street South spoke in opposition to the application. Princess Street is one of the oldest streets in the City and has encountered a lot of change in area. However, wants to know how trees on site will potentially be impacted due to proposed construction.

Liz Brown of 65 Sherwood Forest Drive spoke in opposition to the application. She also indicated that other previous variances for other properties in area do not appear to have asked for net floor area ratio.

Elle Costa of Sherwood Forest Residents Association spoke in opposition to the application.

Mr. Gregory responded that there is a butternut tree which appears to be dying and would need to be removed. There are other trees on site they intend to preserve.

Committee member Tom Gutfreund asked about the trees in the area and potential landscape plan.

Mr. Gregory indicated that there will not need to be significant replantings needed for area.

Committee member Sally Yan indicated it appears this is an infill area.

**Moved By: Sally Yan**

**Seconded By: Tom Gutfreund**

THAT Application No. A/53/19 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/54/19**

**Owner Name: Tanveer Ahmed**  
**Agent Name: Mohammed Atashi (Sauz Teq Eng)**  
**31 Spanhouse Cres, Markham**  
**PLAN M1961 Lot 169**

The applicant is requesting relief from the requirements of By-law 118-79, as amended to permit:

**a) Section 6.1:**

a second dwelling unit, whereas the Bylaw permits no more than one dwelling unit on a lot;

as it relates to a proposed basement apartment. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Sauz Eng appeared on behalf of the application.

Committee member asked how many rental units in house.

Mr. Eng responded 4 persons residing in the house. The basement is not rented out at this time. AirBNB was previously occurring at this site.

Committee member Arun Prasad asked if owner occupies the house.

Mr. Eng responded that it is not.

Committee member Tom Gutfreund indicated there appears to be issues of property upkeep.

Committee member Arun Prasad states that there are issues with this property. Support letters may be helpful to this property. Secondary suite is not issue but want to ensure property is attended to properly.

The Chair responded that provincial policy supports secondary suite.

Committee member Jeamie Reingold indicated that property managers are usually hired to maintain a property.

Committee member Sally Yan commented that AirBNB are now regulated in Toronto and could eventually come to Markham. The owner should be at the next meeting.

Committee member Arun Prasad indicated deferral may be beneficial to address some issues relating to this property.

**Moved By: Arun Prasad**  
**Seconded By: Sally Yan**

THAT Application No. A/54/19 be deferred sine die.

Resolution Carried

**8. A/55/19**

**Owner Name: SZR Markham Inc. c/o Sunrise North Senior Living Ltd.  
(Anja Wells)**  
**Agent Name: Candevcon Limited (Erik Mirtsou)**  
**SZR Markham Inc. c/o Sunrise North Senior Living Ltd. 38 Swansea Rd,  
Markham**  
**PL 65M2520 BLK 127 CON 6 PT LT 10**

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

**a) Amending Bylaw 130-1999, Section 1.5.2(iii):**  
a side yard setback of 4.34 m, whereas the Bylaw requires a minimum of 20 m;

as it relates to an existing accessory structure that was built without a permit.  
**(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Erik Mirtsou appeared on behalf of the application.

Committee member Patrick Sampson stated he visited site and appears structure sitting on 3 parking spaces. Don't know if parking requirement impacted.

Mr. Mirtsou responded there is no impact to parking requirements.

**Moved By: Tom Gutfreund**  
**Seconded By: Patrick Sampson**

THAT Application No. A/55/19 be approved subject to conditions contained in the staff report.

Resolution Carried

9. B/01/19

**Owner Name: LI YIQIU**  
**Agent Name: TAES Architects Inc. (Shenshu Zhang)**  
**68 Sprucewood Dr, Thornhill**  
**PLAN 2368 LOT 86**

**The owner is requesting:**

- a) sever and convey a parcel of land with approximate lot frontage of 15.24 m and approximate lot area of 929.03 sq. m (Part 2);
- b) retain a parcel of land with approximate lot frontage of 15.24 m and approximate lot area of 929.03 sq. m (Part 1). The purpose of this application is to create a new residential lot. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application. It appears proposed severance will meet lot area requirements.

Lorne Erenberg of 75 Sprucewood Drive spoke in opposition to the application. There is already a tight parking situation on this street which will be exasperated by this proposal. There appears to be two large reservoirs of water nearby and am wondering if this proposal could impact the water.

Steve Edmondson of 76 Sprucewood Drive spoke in opposition to the application. These two proposed lots appear undersized for this area.

Yasmin Samji of 70 Sprucewood Drive spoke in opposition to the application. Due to speeding vehicles on this street, proposed two homes may add to this issue.

Graham Regem who grew up in the neighbourhood spoke. One house is fine but two wouldn't be appropriate.

The agent do not believe character is being adversely affected. Grading plan was prepared. Trees are on side of the lot and arborist may be engaged later if necessary.

Committee member Tom Gutfreund indicated that traffic and groundwater issues extend beyond the purview of the Committee. Engineering and sewer work will need to be done for this site. Some of these issues may be better raised to the Ward Councillor.

**Moved By: Tom Gutfreund**  
**Seconded By: Sally Yan**

**Jeannie Reingold opposed**

THAT Application No. B/01/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**OTHER BUSINESS**


-Secretary-Treasurer indicated that Local Planning Appeal Tribunal (LPAT) appeal of minor variance A.176.18 for 3265 Highway 7 East had a motion to dismiss brought forward by applicant. LPAT has dismissed the appeal. As such, the decision of the Committee is now final and binding.


**MOTION TO ADJOURN**

**Moved by Sally Yan**  
**Seconded by Arun Prasad**

THAT the meeting of Committee of Adjustment be adjourned at 10:05 p.m., and the next regular meeting will be held on July 10, 2019.

CARRIED

  
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Secretary-Treasurer,  
Committee of Adjustment

  
\_\_\_\_\_  
Chair  
PER TOM GUTFREUND