



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

**July 06, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 12<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
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Jeamie Reingold	7:00 PM
Sally Yan	7:00 PM
Kelvin Kwok	7:00 PM

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

***Regrets***

Gregory Knight

**DISCLOSURE OF INTEREST**

None

**Minutes: June 22, 2022**

THAT the minutes of Meeting No. 11, of the City of Markham Committee of Adjustment, held June 22, 2022, respectively, be

- a) Approved on July 06, 2022.

**Moved By: Kelvin Kwok**  
**Seconded By: Arun Prasad**

**Carried**

**REQUEST FOR DEFERRAL:**

1. **A/043/21**

**Owner Name: Vipul Upadhyay and Madhavi Upadhyay  
Agent Name: Jay Upadhyay  
40 Timbers Circle, Markham  
PLAN 65M2351 PT BLK 103 65R9652 PTS 9, 10, 11**

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

- a) **Section 6.3.1:**  
a Second Dwelling Unit, whereas the By-law does not permit Second Dwelling Units in Street Townhouse Residential (RST1) Zones;
- b) **Section 5.2.6:**  
a door facing interior side lot line be 0.61m from interior side property line, whereas the By-law requires minimum of 1.2m; and
- c) **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 related to an existing basement apartment.  
**(Central District, Ward 8)**

The Acting Chair brought forward the request for deferral.

The applicant Jay Upadhyay spoke to the deferral and indicated that they were requesting the deferral for additional time to address staff comments and provide a revised proposal.

The resident of 38 Timber Circle requested notification when the application was to return to the City and asked if staff comments would be revised.

The Secretary-Treasurer confirmed notice would be issued and the Acting Chair clarified that revisions to staff comments would be determined after the applicant provided revised plans.

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

THAT Application No **A/043/21** be **deferred** sine die

Resolution Carried

**2. A/051/22**

**Owner Name: Nichols Law Professional Corporation (Graham Nichols)**  
**Agent Name: Robert Chopee**  
**51 Main Street North, Markham**  
**PLAN 18 BLK D PT LOT 9**

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

- a) **Section 7.1(b)(ii):**  
the use of a veterinary clinic, whereas the By-law prohibits this use;  
  
as it related to a proposed veterinary clinic.  
**(Heritage District, Ward 4)**

The Acting Chair brought forward the request for deferral.

The agent Elyse Howell, confirmed the request for deferral.

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

THAT Application No **A/043/21** be **deferred** sine die.

Resolution Carried

**PREVIOUS BUSINESS:**

**1. A/185/21**

**Owner Name: Prem Kohli**  
**Agent Name: Prem Kohli**  
**31 Cranleigh Drive, Markham**  
**PLAN 65M2478 LOT 83**

The applicant was requesting relief from the following "Sixth Density Single Family Residential – (R6)" zone requirement under By-law 118-79, as amended, to permit:

- a) **By-law 118-79, Section 5.7:**  
a maximum roofed porch encroachment of 1.70 m (67 inches) into the required rear yard, whereas the By-law permits a maximum roofed porch encroachment of 0.45 m (18 inches) into any required yard.

**b) By-law 118-79, Section 7.2 c):**

a maximum lot coverage of 35.80 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

as it related to a proposed roofed porch in the rear yard.

**(Central District, Ward 2)**

The Acting Chair introduced the application.

The owner, Prem Kohli, appeared on behalf of the application. The application was made to legalize a roof constructed over the existing deck without a permit. Prem indicated that they had subsequently applied for a permit, and the Building Department had inspected the structure. They were advised that the structure required a Minor Variance and requested understanding of the circumstances of the construction.

Xiao Wu of 33 Cranleigh Drive spoke to the application and objected to the roofed-over portion of the deck as it was constructed in contravention of the By-law.

Antonio Ong of 34 Cranleigh Drive had no objections to the structure that had been constructed. They had been shown stamped drawings, and if it was demonstrated that the construction met the Building Code and the permits were approved, they had no issues with the structure.

Jane Chen of 29 Cranleigh Drive objected to the building as it was oversized and blocked the view. They understood the family needs of the applicant but were of the opinion that the applicant needed to consider their neighbours as well as their own family when doing construction.

Courtney Chang of 24 Cranleigh Drive had attended the house on numerous occasions, and the applicant had made various adjustments to correct the work that had been done without permits and had no issues with the structure.

Member Reingold asked if the applicant had removed the privacy screening mentioned by staff in the report.

The applicant clarified that a lattice privacy screen was attached to the deck before adding the roof. The applicant referred to the pictures in the submission and indicated that the porch as constructed included vertical planks that had been added as privacy screening.

The Acting Chair asked the applicant to confirm if the planks remained in place.

The applicant confirmed that the porch with a privacy screen existed, as shown in the photo.

Member Reingold indicated that the structure was not unenclosed as shown in the plans. The privacy boards were detracting from neighbouring properties and did not support the application as submitted.

The Acting Chair clarified that the structure was open on the other sides.

Member Prasad asked if there was a need for the planks and indicated that they did not appear attractive and agreed with their colleague that the boards were an obstruction for the neighbours. Member Prasad asked the applicant if the boards could be removed as they were unnecessary to support the roof. Member Prasad indicated that if the applicant wanted the structure for year-round uses, they should apply for a permit for a permanent structure.

The applicant indicated the planks were not necessary and could be removed but felt the planks were of benefit to the structure and were more attractive than lattice. However, Prem indicated that he did want to maintain the planks as a screen.

Member Prasad explained that the Committee considered the input of neighbours as minor variance applications had impacted on communities as a whole, and the Committee was tasked with reviewing the application under the four tests of the *Planning Act*, of which one test was desirability.

The Acting Chair asked the neighbour, Jane Chen if removing the planks would make the application more desirable.

Jane Chen indicated that they wanted the size of the structure to meet the bylaw and felt the entire structure was oversized.

Member Reingold agreed with the neighbour that the structure was oversized and not well done and did not support the replacement of the planks with lattice.

Member Sampson agreed with Member Reingold that as constructed, it was not an unenclosed structure, and privacy was created at the neighbour's expense. Therefore, the member did not support the application as constructed but would be willing to consider the application if the planks were removed and could support an unenclosed structure.

The Acting Chair asked Member Reingold if she would support the application if the planks were removed.

Member Reingold indicated that, in her opinion, the application should be denied.

Member Prasad indicated that the structure was built and the Committee should work to resolve the issues to allow for continued use of the structure by the family and indicated that they would support the application if the structure were unenclosed on all sides.

Member Yan agreed with Member Prasad that the Committee needed to deal with the existing situation and indicated that if the structure were unenclosed, the two variances as requested would be minor in nature, and they would support the application.

**Moved By: Arun Prasad**  
**Seconded By: Patrick Sampson**

**Opposed: Patrick Jeamie Reingold, Kelvin Kwok.**

The majority of the Committee approved the application.

THAT Application No **A/185/21** be **approved** subject to conditions contained in the staff report as amended

Resolution Carried

**NEW BUSINESS:**

**1. B/011/22**

**Owner Name: Marina Baran and William Harper**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**16 Grandview Boulevard, Markham**  
**PLAN 4365 LOT 9**

The applicant was requesting provisional consent to:

- a)** sever and convey a parcel of land with an approximate lot frontage of 12.13m (39.79 ft.) and approximate lot area of 498.70m<sup>2</sup> (5367.96 ft.<sup>2</sup>) (Part 2);
- b)** retain a parcel of land with approximate lot frontage of 18.28m (59.97 ft.) and approximate lot area of 749.69m<sup>2</sup> (8069.59 ft.<sup>2</sup>) (Part 1);

The purpose of this application was to sever and convey Part 2 of 16 Grandview Boulevard (see B/011/22) with the intent to merge this parcel with the severed portion of 18 Grandview Boulevard (see Part 3 of B/012/22) to facilitate the creation of one new residential lot.

**(East District, Ward 4)**

The Acting Chair introduced the application and application B/012/22 and indicated the Committee would hear the applications concurrently, but each application would be considered and voted upon separately.

The Acting Chair acknowledged the submission of written comments in support and objection to the proposal and provided the names and addresses of the persons who submitted comments.

The agent, Russ Gregory, appeared on behalf of the application. The owners had purchased the properties to provide a suitable building lot for their own needs and would be utilizing the 80-foot lot to construct their residence. In advance of the applications, the agent had provided plans and corresponded with the East Area Manager, Stacia Muradali, to discuss the proposal's feasibility. The agent noted at the time of application that they had been advised of an OLT appeal of a Consent for 11 and 15 Grandview Boulevard. Since submitting the application, the OLT had ruled in favour of the appellant and granted provisional approval of the Consent application. Russ was aware of differences in the application regarding lot frontages and areas. However, he believed that the proposed pattern provided a nice relief to the street's lot patterns, adding to the variety of lots on the street. The pattern of 100-foot lots had already been altered by previous lot creation on the street. Future proposed houses had not been designed, and a Tree Assessment and Protection Plan had been prepared and submitted for review. They expressed that the application met the intent of the Official Plan and complied with the Zoning By-law and was reflective of the decision of the OLT regarding the creation of lots within the neighbourhood and would not create adverse impacts. The applications had a favourable staff report, and Russ requested that the applications be approved.

Russ Gregory indicated that he received some of the comments of opposition but has requested that the Committee Secretary-Treasurer be directed to provide names and addresses for the letters of support and disagreement to all applicants on a go forward basis.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association appeared to speak to the application. Elizabeth advised that she had provided written comments as well.

Elizabeth noted the application was for the creation of lots and that proposed houses to be placed on the lots had not been designed. They spoke to the staff report, which assessed the area as having a mixture of properties with one and two stories and mature trees. The smaller-sized lots proposed would change the greenspace. Future infill development would reduce the greenspace between the dwellings, and two-storey homes would reach into the tree canopy. The Official Plan speaks to infill development that respects and reflects the area, intending to limit the size and massing of new dwellings. The proposed lots did not reflect the current lot pattern of 100-foot frontages. Elizabeth indicated that the additional driveways on the street would contribute to tree loss and that the new lots would be created at the neighbour's expense. If the lots were approved, the area's character would be lost.

Russ Gregory indicated that the proposed lots would add to the greenspace on the street as the required side yards for three lots with two-storey dwellings were more significant than the required side yards for two one-storey dwellings. Additionally, Russ indicated that the lot patterning of 100-foot frontages on Grandview had already been disturbed, and a new pattern was emerging on the street.

Member Yang agreed with Russ Gregory that the Committee was not looking at proposed infill for these properties but rather the policy framework related to the creation of lots. The Consent applications were to be reviewed considering the Official Plan framework for granting consent and lot patterning. The staff report highlighted Official Plan policy 10.3.2, which provided six criteria for evaluating Consents for lot creation. The proposal met all six criteria for lot creation, and the proposed lots complied with the Zoning By-law. Grandview Avenue had a mix of lot sizes on the street and was poised to be an emerging area that would change in terms of lot sizes and patterns. Member Yang supported the lot creations and indicated they met the policy framework detailed in the staff report and complied with the Zoning By-law.

Member Prasad indicated that the proposal was positive and presented good lots. The member indicated that the Committee was tasked with policies that addressed housing needs with consideration of less available land. The proposal would create additional housing options for Markham residents, and they supported the application.

Member Reingold was sympathetic to those who had recently constructed homes in the area. The area was one of a few unique areas remaining within the City with larger lots. It was regretful to see neighbourhoods changing; however, provincial policies for new housing and greater density in communities needed to be considered when reviewing the applications. The proposal was reflective of the recent OLT decision. The member would support the applications with reluctance and expressed that it was unfortunate that Committee could not protect these neighbourhoods.

Member Kwok was in support of the application. The applications were not the first to propose this type of lot creation on the street, and Grandview Avenue had a variety of lot sizes. In addition, the member considered the proposal with regard to the Provincial Policy Statement and the Growth Plan to increase density to provide additional housing for residents. From that perspective, they supported the applications.

The Acting Chair indicated that the applications were planning applications and for the proposed lots only and not any future uses. The Official Plan had clear policies for the creation of lots, as referred to by Member Yang, and the Zoning By-law permitted the lot frontages and size. Grandview Avenue was a street in transition, with different lot sizes, which included those at the end of the street and the OLT-approved lots at 11 and 15 Grandview Avenue in the middle of the street. The Acting Chair agreed with Member Reingold that if the City were committed to protecting the existing 100-foot lot sizes, definitive policies would be in place. The submitted applications met the Official Plan policies, and the Zoning By-law permitted the proposed lot sizes.



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

The Committee unanimously approved the application.

THAT Application No **B/011/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**2. B/012/22**

**Owner Name: Marina Baran and William Harper**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**18 Grandview Boulevard, Markham**  
**PLAN 4365 LOT 10**

The applicant was requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 6.15m (20.17 ft.) and approximate lot area of 250.93 sq. m (2700.98 sq.) (Part 3);
- b) retain a parcel of land with approximate lot frontage of 24.25m (79.56ft) and approximate lot area of 996.64 sq. m (10,727.74 sq.) (Part 4);

The purpose of this application was to sever and convey Part 3 of 18 Grandview Boulevard (see B/012/22) with the intent to merge this parcel with the severed portion of 16 Grandview Boulevard (see Part 2 of B/011/22) to facilitate the creation of one new residential lot.  
**(East District, Ward 4)**

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

The Committee unanimously approved the application.

THAT Application No **B/012/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/053/22**

**Owner Name: Liyi Lin**  
**Agent Name: Archizoning Design Inc. (Lei Zhang)**  
**48 Glendale Road, Thornhill**  
**PLAN 65M2144 LOT 58**

The applicant was requesting relief from the requirements of By-law 72-81, as amended to permit:

**a) Section 6.1.2 (c):**

a maximum lot coverage of 38 percent (2,054 ft<sup>2</sup>); whereas, the By-law permits a maximum lot coverage of 33.3 percent (1,807 ft<sup>2</sup>);

as it related to proposed ground floor addition.

**(West District, Ward 1)**

The Acting Chair introduced the application.

The agent, Lei Zhang, appeared on behalf of the application. The dwelling was 45 years old, and the homeowner wished to refresh the front elevation to reflect modern standards. The existing home had a lot coverage of 36.5%, and the request was for a minor alteration.

Member Reingold expressed that the application was a good way for the homeowner to increase their living space. The member agreed with the staff report and indicated that the application was minor in nature, met the four *Planning Act* tests, and that the structure's massing and scale would not adversely impact the neighbourhood. Member Reingold supported the application and recommended approval.

**Moved By: Jeamie Reingold**  
**Seconded By: Sally Yan**

The Committee unanimously approved the application.

THAT Application No **A/053/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**4. A/055/22**

**Owner Name: Nivlog Investments Limited (Mr. Stuart Golvin)**  
**Agent Name: MHBC Planning Limited (Ashish Abraham)**  
**330 Denison Street, Markham**  
**PLAN M1318 LOT 45 RP 65R26630 PT 2**

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

**a) Amending By-law 2001-92, Section 1.2 a)(ii):**

a bank and financial use, whereas the By-law permits only office uses;

as it related to proposed financial institution.

**(Central District, Ward 8)**

The agent, Ashish Abraham, appeared on behalf of the application. They had read the staff report and agreed.

Member Kwok asked the agent if the site had sufficient parking to permit the use.

The agent confirmed that parking requirements for the use had been met.

Member Kwok had read the staff report and indicated that the request was technical as the zone permitted only office uses and observed that the proposed use would support the service employment area. Accordingly, member Kwok recommended approval of the application.

**Moved By: Kelvin Kwok**

**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No **A/055/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**5. A/065/22**

**Owner Name: Vagn Lauritsen**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**25 Victoria Avenue, Markham**  
**PLAN 348 PT LOT 7**

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

**a) By-law 122-72, Section 11.2:**

a front yard setback of 5.16 ft. (1.58m) for the front covered porch of existing heritage house, whereas the by-law requires a minimum front yard setback of 25ft (7.62m).

**b) By-law 122-72, Section 11.2:**

a maximum lot coverage of 34.5 percent whereas the by-law permits a maximum lot coverage of 33.33 percent;

**c) By-law 142-95, Section 2.2 b)(i):**

a rear concrete deck without cellar below to project 3.66 m from the dwelling, whereas a deck over 1 m in height is permitted to project maximum of 3.0m;

**d) Amended By-law 340-83, Section 1(e):**

a window opening at geodetic datum elevation of 174.7m, whereas the by-law requires that there be no openings below a geodetic datum elevation of 174.8m;

as it related to a proposed rear two-storey addition to the existing heritage house, and construction of a new two-car garage.

This Minor Variance application had been submitted concurrently with a Site Plan Control Application (SPC 22 116892), both files were reviewed concurrently.

**(Heritage District, Ward 3)**

The Acting Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application. Russ indicated they had been working with the neighbour and Heritage Markham regarding removing a tree on the property line and the design of the porch. In addition, the agent noted that Urban Design had requested the detached garage be moved closer to the house but indicated that they wished to maintain the requested variance.

Nick Lisi of 23 Victoria was in attendance and supported the application.

Member Reingold had read the staff report and agreed with staff comments and the recommendations of Heritage Markham. Accordingly, they supported the application as presented and recommended approval with the conditions listed in the staff report.

The Acting Chair noted a change to the conditions.

Greg Whitfield explained that the original conditions for TRCA and Metrolinx had been originally put forward as one condition; however, upon review, staff recommended the conditions be separated to be addressed on their own merits.

Russ Gregory indicated that he was aware of the recommendation to amend the conditions and agreed.

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

The Committee unanimously approved the application.

THAT Application No **A/065/22** be **approved** subject to the conditions contained in the staff report as amended.

Resolution Carried

**6. A/070/22**

**Owner Name: Susan Steele and Reid McAlpine**  
**Agent Name: David Johnston Architect Ltd. (David Johnston)**  
**27 Victoria Avenue, Markham**  
**PLAN 348 LOT 8**

The applicant was requesting relief from the requirements of By-law 122-12, as amended to permit:

- a) **Section 11.2 (c):**  
an existing side yard of 5 feet 8 inches, whereas the By-Law requires a side yard of 6 feet;
- b) **By-Law 28-97, Section 6.1.1 (b):**  
one parking space, whereas the By-law requires two parking spaces;

as it related to a proposed 2-storey rear addition to an existing heritage home.

This Minor Variance Application had been submitted concurrently with a Site Plan Control Application (SPC 22 111838), in which both files were being reviewed concurrently.

**(Heritage District, Ward 3)**

The Acting Chair introduced the application.

The applicant, Susan Steele, appeared on behalf of the application and indicated that the two variances requested were related to existing conditions, and the staff report recommended approval.

Nick Lisi of 23 Victoria Avenue attended in support of the application.

Member Yang had read the staff report variances and noted that the Minor Variance application was reviewed concurrently with a Site Plan application. The member noted that the two variances requested were minor in nature and met four tests of the *Planning Act*. The side yard setback was minimal, and the parking was existing. Member Yang recommended approval of the application with conditions.

**Moved By: Sally Yang**  
**Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No **A/070/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**7. A/077/22**

**Owner Name: Au Shu Kwan and Wang Yu**  
**Agent Name: Vin Engineering Inc. (Sunil Shah)**  
**11 Spring Meadow Avenue, Markham**  
**PLAN 65M3202 LT 45**

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

- a) **Section 6.3.1.1:**  
an interior side setback of 0.62 meters, whereas the By-Law requires a minimum interior side yard setback of 1.2 meters;
- b) **Section 6.3.1.6:**  
a maximum height of 7.0 meters, whereas the By-law permits a maximum height of 4.5 meters;
- c) **Section 6.3.1.7(b):**  
a maximum lot coverage of 21.07 percent, whereas the By-law permits a maximum lot coverage of 18 percent;

as it related to a proposed coach house on top of an existing detached garage  
**(East District, Ward 5)**

The Acting Chair introduced the application.

The agent, Sunil Shah, appeared on behalf of the application. Sunil made a presentation to the Committee detailing why each variance was required.

The Acting Chair noted that one written comment was received in opposition.

The Acting Chair requested clarification of the request for lot coverage as the public notice indicated the request was for 21.07 percent, but the staff report and applicant had referenced 21.62 percent. The applicant confirmed that the request had been revised to 21.07 percent.

The Secretary-Treasurer confirmed they had spoken to the City Planner Aleks Todorovski, and confirmed an error in the staff report for the variances listed. However, the application was reviewed for a variance of 21.07 percent, which was reflected in the body of the report.

The Chair confirmed that the variance to be considered was for lot coverage of 21.07 percent.

Member Sampson agreed with the staff report and indicated that the request was similar to other coach houses that had come before the Committee and recommended approval.

**Moved By: Patrick Sampson**  
**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No **A/077/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

**Moved by: Patrick Sampson**  
**Seconded by: Arun Prasad**

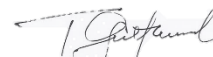
THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:00 pm, and the next regular meeting would be held on July 20, 2022.

CARRIED



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Secretary-Treasurer  
Committee of Adjustment



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Acting Chair  
Committee of Adjustment