



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

**October 19, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 19<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>
Gregory Knight Chair	7:00 PM
Tom Gutfreund	7:00 PM
Arun Prasad	7:00 PM
Kelvin Kwok	7:00 PM
Sally Yan	7:00 PM
Jeamie Reingold	7:00 PM
Patrick Sampson	7:00 PM

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Dinal Manawadu, Development Technician, Committee of Adjustment

**Regrets**

None

**DISCLOSURE OF INTEREST**

None

**Minutes: September 21, 2022**

THAT the minutes of Meeting No. 18, of the City of Markham Committee of Adjustment, held October 05, 2022, respectively, be:

- a) Approved on October 19, 2022.

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

**Carried**

**REQUEST FOR DEFERRAL:**

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 an warehouse.

The Chair brought forward the request for deferral.

Member Gutfreund motioned for deferral.

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

THAT Application No **A/138/22** be **deferred** sine die.

Resolution Carried

**NEW BUSINESS:**

**1. A/074/22**

**Owner Name: Chandrasekhar Kandiah  
Agent Name: Weird Impulse Inc. (Arlotte Noronha)  
17 Couloir Drive, Markham  
PLAN 65M4427 LOT 104**

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

**a) Section 7.190.1 (a)(ii):**

one accessory dwelling unit in the main building, whereas the by-law permits one accessory dwelling unit to be located above a private garage in either the main building or an accessory building on the same lot;

as it related to a proposed secondary suite (basement apartment).

The Chair introduced the application.

The agent, Arlotte Noronha, appeared on behalf of the application.

Member Sampson requested clarification if as-of-right permissions for the coach house would be impacted by granting a variance for a basement apartment.

Greg Whitfield indicated that approval of the application would not affect the as-of-right permissions for the coach house.

Member Sampson indicated that the application met the four tests of the *Planning Act* and recommended approval with conditions.

Member Gutfreund noted that the access to the unit was in the front yard and asked about screening for the handrail associated with the walk down.

Member Kwok indicated that the proposed entrance was close to the street and felt that the screen would be appropriate for the streetscape.

Member Prasad requested additional information regarding the parking shown on the site plan.

The Chair recommended including a condition for screening, as noted below.

*That appropriate screening in the form of fencing or plantings be provided to screen the walk-up stairs located at the north side of the building from the roadside, to the satisfaction of the Director of Planning and Urban Design, or their designate.*

**Moved By: Tom Gutfreund**  
**Seconded By: Kelvin Kwok**

The Committee unanimously approved the application.

THAT Application No. **A/074/22** be **approved** subject to conditions as approved by the Committee.

Resolution Carried

**2. A/164/22**

**Owner Name: Wei-Fang Lin**  
**Agent Name: SHDESIGN (Randa Zabaneh)**  
**98 Karma Road, Markham**  
**PLAN 65M2058 LOT 52**

The applicant was requesting relief from the requirements of By-law 184-78, as amended, to permit:

**a) Section 7.1:**

one accessory dwelling unit in the basement whereas the by-law permits only one semi-detached dwelling on the lot; and

**b) Parking By-law 28-97, Section 3 & 6.1.1 b):**

~~two required parking spaces for the semi-detached dwelling to be located in the front yard on the permitted driveway and 1 parking space provided inside the existing garage for the accessory dwelling, whereas the by-law only allows for one required parking space to be located in the front yard on a permitted driveway;~~ **WITHDRAWN**

as it related to a proposed secondary suite (basement apartment).

The Chair introduced the application.

One piece of written correspondence was received as a result of the Public Notice.

The agent, Sam Hinnawi, appeared on behalf of the application. Sam indicated they had worked with Zoning and Planning staff, the parking variance was no longer required, and variance **(b)** was withdrawn. Sam indicated that the application met the four tests of the *Planning Act*.

Member Sampson noted the resident's concerns, as detailed in the letter related to property standards.

Greg Whitfield confirmed that issues raised in the letter would be addressed through the building permit.

Member Kwok requested additional information regarding the environment easement required by Metrolinx.

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

Greg Whitfield informed the Committee that a condition had been omitted from the staff report. Samir Hinnawi was provided with the condition in advance and agreed.

The Chair read the condition for the record and requested the Committee include the following condition in their decision:

*That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction with the provisions of the Ontario Building Code, and in particular relating to the change of use from a dwelling containing a single suite to a dwelling containing more than one suite.*

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

The Committee unanimously approved the application.

THAT Application No. **A/164/22** be **approved** subject to conditions as approved by the Committee.

Resolution Carried

**3. A/159/22**

**Owner Name: Ketheeswaran Vallipuram**  
**Agent Name: Alfa Engineering Solutions Inc. (Marwan Al-Farraj)**  
**5 Anjac Crescent, Markham**  
**PLAN 65M4027 LOT 28**

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

**a) Section 6.5:**

an accessory dwelling unit, whereas the By-law permits only one dwelling unit per lot;

as it related to a proposed secondary suite (basement apartment).

The Chair introduced the application.

The agent, Marwan Al-Farraj, appeared on behalf of the application.

Member Gutfreund requested clarification of the allocation of the bedrooms for the main dwelling and accessory dwelling unit.

Member Reingold supported the application indicating that the application met the four tests of the *Planning Act*.

Member Prasad recommended approval of the application with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/159/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**4. A/146/22**

**Owner Name: Indira Chauhan**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**339 Main Street, Markham**  
**CON 8 PT LOT 15**

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

- a) **Section 11.3 (a)(i):**  
a maximum building height (accessory building) of 21'-3", whereas the By-law requires a maximum building height of 12'-0" to the midpoint;
- b) **Section 6.1:**  
an accessory dwelling unit, whereas the By-law permits only one dwelling unit per lot; and

**c) Section 3.2:**

a dwelling unit within an accessory building, whereas the By-law does not permit an accessory building to be used for human habitation;

as it related to a proposed two-storey garage with loft.

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application. Russ presented the proposal indicating it has approval through Heritage Markham and met the four tests of the *Planning Act*.

Michael Morin, 118 Wales Avenue, represents themselves and the owners of the 116, 120 and 122 Wales Avenue located within the townhouse complex adjacent to the subject property. Michael agreed with the need for affordable housing; however, they expressed that due to differences in grades between the properties, the height and massing of the proposal, impacts of shadowing and privacy were significant. Michael read from the staff report indicating that Urban Design staff had recommended a setback of 3 metres and placement of windows to reduce the impacts of overlook and privacy.

Russ responded to comments indicating that the proposal was a one, and half-storey board and batten building and the setback met the zoning standards; however, setback and placement of the windows were negotiable, but they felt 3 metres was too much.

Member Reingold indicated that the proposal was reasonable and that the appropriate placement of trees might reduce visual and privacy impacts.

Member Gutfreund agreed with their colleague that the request to move the building and provide additional landscape screening was reasonable.

Michael Morin responded that the staff memo indicated that a 3-metre setback was recommended by staff to address overlook concerns.

The Chair spoke about the setback and plantings and inclusion of Urban Design comments in the staff report.

Member Sampson indicated that the conditions reflected the requests.

Russ Gregory disagreed with the requests as the rear yard setback was not a required variance. The Chair clarified the recommendations for more significant setbacks related to the impact created through the variance request for increased height.

Greg Whitfield indicated that the condition could be changed.

Member Prasad indicated that change was a reasonable solution.

Member Sampson indicated the condition was clear that a 3-metre setback was required.

Member Kwok indicated that a disconnect and lack of communication between Russ and Urban Design had created a lack of certainty for the Committee, and there needed to be more information to allow the Committee to revise the condition.

Member Gutfreund motioned for approval with the following condition amended as noted below:

*That the set back of the proposed accessory building from the eastern property line be increased, vegetative screening be introduced, and that any other mitigation measures required to ensure adequate privacy for neighbouring properties be detailed during the Site Plan Control review process to the satisfaction of the Senior Manager of Urban Design; **amended.***

**Moved By: Tom Gutfreund**

**Seconded By: Sally Yan**

**Opposed: Patrick Sampson**

The majority of the Committee approved the application.

THAT Application No. **A/146/22** be **approved** subject to conditions contained in the staff report as amended.

Resolution Carried

**5. A/145/22**

**Owner Name: Lizhi Mao Chenchen**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**84 Sprucewood Drive, Thornhill**  
**PLAN 2368 LOT 82**

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

- a) **Amending By-law 101-90, Section 1.2(iv):**  
a maximum building depth of 20.70 metres, whereas the By-law permits a maximum building depth of 16.80 metres; and



**b) Amending By-law 101-90, Section 1.2(vi):**

a garage width of 8.53 metres, whereas the By-law permits a maximum garage width of 7.70 metres for any lot having a frontage of less than 18.30 metres;

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

The Chair introduced the application.

One piece of written correspondence was received in response to the public notice.

The agent, Nikol Paar, appeared on behalf of the application and presented the stable slope, the buildable portion of the lot, and the proposed structure.

Greg Whitfield explained that the CN easement was typically negotiated between CN and the applicant.

Member Kwok provided a further explanation regarding CN requirements regarding noise and vibration studies.

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/145/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**6. A/139/22**

**Owner Name: Shi Bin**  
**Agent Name: Z Square Group (Mengdi Zhen)**  
**170 Krieghoff Avenue, Markham**  
**PLAN 7566 LOT 105**

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

**a) Section 6.1:**

a front yard setback of 23 feet (7.01 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 metres);

**b) Section 6.1:**

a maximum lot coverage of 38.9 percent, whereas the By-law permits a maximum lot coverage of 33 and one-third percent; and

**c) Section 6.1:**

a maximum building height of 28 feet 6 inches (8.69 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres).

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

The Chair introduced the application.

The agent, Rick Leong, appeared on behalf of the application. Rick provided a presentation detailing the existing conditions and the proposed variances, indicating that the house had been sited to meet the existing side yards and driveway.

Dan O'Kopniak, 168 Krieghoff Avenue, expressed that the requested variances were not minor. Dan spoke about drainage and flooding concerns and tree removal and noted errors in the plans regarding the trees to be removed and the location of the trees on boundary lines.

Mark Scarrow, 4 Callahan Road, indicated that removing the front yard variance would reduce the impact of the massing on the streetscape. In addition, Mark indicated that the requests resulted in cumulative impacts.

Ian Free, 145 Krieghoff Avenue, objected to the variances, noting that the lot coverage was higher when calculated with the rear walk-out. Ian reiterated concerns regarding flooding and noted errors in the calculations of the tree protection zone. Ian expressed that the proposal did not conform to the infill policies in the Official Plan, would create micro-climate conditions, and was too large for the lot size. The proposed height would further emphasize massing.

Christiane Bergauer-Free, 145 Krieghoff Avenue, indicated they did not receive written notice. Christiane spoke about lot coverage, the lack of soft surfaces, the front yard setback, and existing site lines on the street. In addition, the proposal did not consider shadowing, privacy, drainage and tree preservation. Finally, Christiane questioned what determines community as expressed in the Official Plan.

Julie Sellery, 38 Gainsville Avenue, was opposed to the application and indicated that the applicant had not demonstrated why they should be granted relief of the by-law.

Horace & Jean Gentles, 3 Callahan Road, indicated their property had been subject to increased flooding with other infill builds. They opposed the request for increased lot coverage as the build would result in insufficient space for drainage.

The agent indicated that engineering approvals addressed drainage and that the front yard setback could be changed.

Greg Whitfield spoke about the policies and permits related to drainage, the tree by-law, and the typo in the staff report.

Member Gutfreund indicated that it was a massive house with large massing. In consideration of the requested variances, the member noted that the height variance was requested for aesthetics, and this request brought substantial massing to the house. Therefore, the member did not support the application as the requests were outside what was usually considered minor.

Member Reingold agreed with their colleague, noting that this was a smaller lot for the area. In addition, the proposed house was out of character and was not an acceptable size for the lot.

Member Sampson agreed with their colleagues and noted that while the area was not subject to the Floor Area Ratio, the proposal had a FAR of approximately 69.5 percent. Therefore, the house was much larger than would typically be approved, and the member did not support the application.

Member Yan supported their colleague's comments and added that the height variance for aesthetics was unnecessary. The member noted that the variance for the front yard setback was out of character for the area, as other infill developments were in line with the existing homes. The proposal had significant massing, and the member did not support the application.

Member Prasad asked if the applicant wished to defer the application.

The applicant agreed to a deferral.

The Chair summarized the Committee's concerns.

Member Prasad motioned for deferral of the application.

**Moved By: Arun Prasad**

**Seconded By: Patrick Sampson**

The Committee unanimously deferred the application.

THAT Application No. **A/139/22** be **deferred** sine die.

Resolution Carried

**PREVIOUS BUSINESS:**

**7. A/072/22**

**Owner Name: Kiran Babu  
Agent Name: Varatha Design Associates (Ken Varatha)  
10 Outlook Terrace Drive, Markham  
PLAN 65M3587 LOT 98**

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

**a) Section 6.5:**

an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;

**b) Parking By-law 28-97, Section 3.0, Table A:**

two parking spaces, whereas the By-law requires a minimum of three parking spaces; and

**c) Parking By-law 28-97, Section 6.2.4.2 (b)(i)(b):**

a minimum of 35.0 percent soft landscaping in the front yard, whereas the By-law requires a minimum of 40.0 percent soft landscaping provided in the front yard in the case of a lot with a lot frontage of 10.10 metres (33.14 ft.), or greater;

as it related to a proposed basement apartment.

The Chair introduced the application.

The agent, Ken Varatha, appeared on behalf of the application and indicated that the proposal had not changed. However, the site plan had been updated to reflect the screening for the walk-down as requested by the Committee.

Jaison Joseph, 3 Beckstead Avenue, reiterated that they were not against the proposal. However, they continued to be concerned about the walk-down entrance's privacy and visual impacts. Therefore, they felt the City should require all basement entrances to be located in rear yards.

Member Gutfreund understood the resident's concerns regarding the stairs and believed that the screening provided a reasonable solution, as shown on the site plan. The member expressed that the application met the four tests of the *Planning Act*.

Member Prasad agreed with Member Gutfreund that the applicant had addressed the concerns and supported the application.

The Chair asked the Committee if they wished to add a landscaping condition.

Greg Whitfield read the proposed condition as detailed below:

*That appropriate screening in the form of fencing or plantings be provided to screen the walk-up stairs located at the east side of the building from the roadside, to the satisfaction of the Director of Planning and Urban Design or their designate.*

The Committee agreed to the condition.

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/072/22** be **approved** subject to conditions as approved by the Committee.

Resolution Carried

**8. A/132/22**

**Owner Name: Mathiroban Shanmugalingam**  
**Agent Name: Vanle Architect Inc. (Tom Vanle)**  
**6 Wignall Crescent, Markham**  
**PLAN 4603 PT LOT 4**

The applicant was 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 49.98 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent; and
- b) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 10.49 metres, whereas the By-law permits a maximum height of 9.80 metres;

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

The Chair introduced the application.

The agent, Tom Vanle, appeared on behalf of the application and indicated that the proposal had been reduced. In addition, the agent indicated that the neighbourhood was experiencing change.

Angie Dornai, 17 Riverview Avenue, provided comments on the changes and brought forward comments from Elizabeth Brown, 65 Lincoln Green Drive, and the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association. Liz commented on the open to below areas shown on the plans, the circular driveway, and removing the tree in the front yard.

Angie Dornai also spoke to written comments provided by Tupper Wheatly, 9 Willowgate Drive, and Vice Chair of the Boyington Heights Ratepayers Association. Tupper noted some changes to the plans; however, there was still an extensive open to below area within the plans, and the proposal was oversized for the lot.

Member Prasad supported the application noting that the applicant had reduced the variances and the Floor Area Ratio.

Member Reingold agreed with Member Prasad that the applicant had made the necessary changes required for the Committee to support the application.

Member Prasad motioned for approval with conditions.

**Moved By: Arun Prasad**  
**Seconded By: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/132/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**9. A/044/22**

**Owner Name: Kiran Sharma**  
**Agent Name: SHDESIGN (Randa Zabaneh)**  
**30 Sir Caradoc Place, Markham**  
**PLAN M1392 LOT 171**

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

- a) **By-law 99-90, Section 1.2 (ii):**  
a depth of 18.80 meters, whereas the By-law permits a maximum of 16.8 metres;

- b) **By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 50.20 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- c) **By-law 99-90, Section 1.2 (i):**  
a maximum height of 10.04 meters, whereas the By-law permits a maximum height of 9.8 metres; and
- d) **By-law 1229, Table 11.1:**  
a rear yard setback of 24.02 feet, whereas the By-law requires a minimum rear yard setback of 25 feet;

as it related to a proposed single family dwelling.

The Chair introduced the application.

The agent, Sam Hinnawi, appeared on behalf of the application. Sam had revised the application and removed four of the variances originally requested, and detailed the reductions in a presentation. The agent stated that the home was compatible and desirable for the area, that the property's large trees and cedar hedge would be maintained, and that the application met the four tests of the *Planning Act*.

Laura Galati, 15 Sir Constantine Drive, represented Markham Sherwood Village Residents Association. Laura noted that the proposal had been reduced. However, they felt it was still too large for the lot, with an imposing massing and a height that would be visible to adjacent properties.

Member Prasad expressed that the architect had done a good job of reducing the variances and supported the application.

Member Gutfreund agreed with their colleague and felt the presentation had outlined the changes and reductions. The member indicated that the requests and size of the home were reasonable 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/044/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

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

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:31 pm,  
and the next regular meeting would be held on November 09, 2022.

CARRIED



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Secretary-Treasurer  
Committee of Adjustment



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Chair  
Committee of Adjustment