



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

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

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 19<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>
Jeamie Reingold	7:30PM
Arun Prasad, Acting Chair	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM

Justin Leung, Secretary-Treasurer  
Bradley Roberts, Manager, Zoning and Special Projects  
Melissa Leung, Committee of Adjustment Technician  
Justin Mott, Development Technician  
Francois Hemon-Morneau, Development Technician

*Regrets*

Tom Gutfreund  
Gregory Knight  
Kelvin Kwok

**Appointment of Acting Chair**

THAT Arun Prasad be appointed Acting Chair to execute the duties and responsibilities of the Chairperson for this October 23, 2019 meeting.

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

**Minutes: October 9, 2019**

THAT the minutes of Meeting No. 18 of the City of Markham Committee of Adjustment, held October 9, 2019, be

a) Approved as submitted, on October 23, 2019

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

Carried

**DISCLOSURE OF INTEREST –**

None

**PREVIOUS BUSINESS:**

1. **A/82/19**

**Owner Name: Yuan Tian**  
**Agent Name: TAES Architects Inc. (Shenshu Zhang)**  
**6 Tollesbury Pl, Markham**  
**PLAN M1962 LOT 29**

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

**a) Amending By-law 325-79, Section 3 (d):**

a minimum side yard of 3.5 m (11.48 ft) at the north side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);

**b) Parking By-law 28-97, Section 6.2.4.4 a) i) & 6.2.4.6:**

driveway access to attached garage that faces an interior side lot line to have a minimum setback of 4.2 m (13.77 ft) from the interior side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);

as it relates to a proposed two-storey residential dwelling. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application. He indicated that changes have been made to the proposal to address Committee concerns of previous meeting. The property is close to environmental features. They are looking to minimize any tree removal on site. Measures to reduce water runoff have also been implemented with the proposal.

Edward McDermott of 18 Country Estate Drive spoke in opposition to the application. This development was originally conceived of more country rural type setting. The parking as proposed for site is significant. The original fabric and context for this area should be preserved.

Mr. Zhang stated that due to the lot configuration they are unable to comply with zoning requirements.

Committee member Jeamie Reingold indicated that the proposal does not seem to be necessary for construction of a home at this site. The houses of this neighbourhood have unique character which should be preserved. She does not support the application.

Committee member Sally Yan inquired about the easement on site for stormwater. She also believes proposal has been done respecting site constraints.

Mr. Zhang responded no development can occur on that part of the property due to municipal easement.

Committee member Patrick Sampson indicated the massing does create quite a noticeable visual impact.

Mr. Zhang reiterate site has restricted what they can build here. They had attempted to contact the neighbour who spoke in opposition to the application.

**Moved By: Sally Yan**  
**Seconded By: N/A**

THAT Application No. A/82/19 be approved subject to conditions contained in the staff report.

Motion failed to pass

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

**Sally Yan opposed**

THAT Application No. A/82/19 be refused.

Resolution Carried

**NEW BUSINESS:**

1. **A/92/19**

**Owner Name: Ken Jian Wong & Tit Yan Hung**  
**Agent Name: SDG Design (Stefano Di Giulio)**  
**28 Church St, Markham**  
**PLAN 18 BLK 1 PT LOT 2**

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

**a) Section 11.1:**

a maximum lot coverage of 40 percent, whereas the By-law permits a maximum lot coverage of 35 percent;

**b) Section 1.2 (i):**

a maximum height of 10.04 m (32.93 ft), whereas the By-law permits a maximum height of 9.8 m (32.15 in);

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

a maximum building depth of 29.44 m (96.59 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft);

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

a maximum floor area ratio of 51.3 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

**e) Section 11.1:**

a minimum front yard setback of 2.43 m (8 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);

as it relates to a proposed two-storey residential dwelling (existing heritage building to remain). **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application. He indicated as property has heritage designation Heritage Markham wants further review of application prior to bringing to a subsequent Committee meeting.

**Moved By: Patrick Sampson**

**Seconded By: Sally Yan**

THAT Application No. A/92/19 be deferred sine die

Resolution Carried

2. **A/94/19**

**Owner Name: 1217862 Ontario Limited (Keith Lahay)**  
**Agent Name: McDermott & Associates Limited (John McDermott)**  
**1217862 Ontario Limited**

**81 Telson Rd, Markham  
PLAN 9001 LOTS 35 & 36**

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

**a) By-law 108-81, Section 7.1.1, the Uses Permitted within the Select Industrial (M) Zone:**

a two storey structure used for the purposes of business and professional offices, inclusive of private commercial schools, dance studios, art studios or other similar cultural activities, provided the maximum ground floor area of the building does not exceed 445 square metres and the maximum floor area ratio does not 12 percent; whereas the By-law does not permit business and professional offices, and private commercial schools within the Select Industrial (M) Zone;

**b) By-law 108-81, Section 7.1.1, the Uses Permitted within the Select Industrial (M) Zone:**

below grade storage lockers having a maximum gross floor area of 470 square metres exclusive of stairways and utility rooms beneath Units 87,89,91,95 and 97 Telson Road and Unit 99 Telson Road; whereas the By-law does not permit storage lockers within the Select Industrial (M) Zone;

**c) By-law 108-81, Section 7.1.1, the Uses Permitted within the Select Industrial (M) Zone:**

ancillary offices and retail sales in association with a use permitted within the Select Industrial (M) Zone provided that, within any individual premises, the maximum combined gross floor area devoted to such ancillary uses and activities shall not exceed 15 percent of the gross floor area of the premises, and, that any areas used for such purposes shall be physically separated, by a floor to ceiling wall or similar partition, from the balance of the floor area devoted to the primary permitted use; whereas the By-law does not permit ancillary offices and retail sales within the Select Industrial (M) Zone;

**d) By-law 108-81, Section 4.7.1 (b):**

a minimum depth of the landscaped open space strip required adjacent to the southerly limits of Telson Road to 2.5 metres; whereas the By-law requires a landscaped open space strip having a minimum depth of 6 metres adjacent Telson Road;

**e) By-law 108-81, Section 4.4.1, as Amended by Parking By-law 28-97, Sections 3 and 5.1:**

the minimum number of parking spaces, measuring 2.6 metres by 5.8 metres, to one parking space for each 50 square metres of gross floor area provided that a minimum of two accessible spaces, measuring 4.1 by 5.8 metres, are provided in the front yard; whereas the By-law requires a minimum of 117 off-street parking spaces and that 5 percent of the parking spaces be dedicated and used as accessible parking spaces;

**f) By-law 108-81, Section 4.5.2, entitled Size of Loading Space:**

loading spaces located in the side yards and which are accessible at grade shall to a width of 6 metres measured parallel to the wall of the structure, a depth of 3 metres

measured perpendicular to the wall of the structure, and, a minimum clearance of not less than 4.2 metres; whereas the By-law requires that a loading space shall have a width of 3.6 metres, a length of not less than 12 metres and a minimum clearance of not less than 4.2 metres; and

**g) By-law 108-81, Section 4.5.2, entitled Size of Loading Space:**

the minimum size of a loading space for a truck level loading docks located in the rear yard to have a width of not less than 3.6 metres measured parallel to the wall of the structure, a minimum depth of 4.9 metres measured perpendicular to the wall of the structure, and, a minimum clearance of 4.2 metres, exclusive of any area which may be utilized for the purposes of off-street parking; whereas the By-law requires that a loading space shall have a width of 3.6 metres, a length of not less than 12 metres and a minimum clearance of not less than 4.2 metres;

as it relates to an existing commercial-industrial complex.**(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent John McDermott appeared on behalf of the application. Mr. McDermott indicated this is in fact a legal non-conforming related application (or permission application). A building related order appeared in 2017 with this application which has resulted in this planning application being submitted. As a previous building permit was issued for this property, he contends it does comply with municipal standards. Traffic will not be adversely impacted for the immediate neighbourhood.

Committee member Jeamie Reingold reviewed the additional plan provided to them at the meeting. However, with potential school uses could conflict with the storage locker use at the site.

Mr. McDermott responded the industrial uses are separate from the other uses.

Committee member Patrick Sampson asked what material they have to demonstrate legal non-conforming status.

Mr. McDermott indicated several senior staff overseeing the property attest to this. There were also building permits issued in the 1980s to allow construction of the site as it exists today. They cannot produce affidavit to confirm this as no persons involved with work on this site in the 1970s can be traced. Municipal documents have also been destroyed dating back to this time.

Committee member Jeamie Reingold stated that not sure this minor variance/permission is the proper process to address this issue.

Mr. McDermott responded that they have Court ruling requested they go this process.

Committee member Sally Yan stated the planning rationale report was appropriate.

The Secretary-Treasurer read out proposed conditions if the application were approved.

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

THAT Application No. A/94/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**3. A/95/19**

**Owner Name: 168 Old Kennedy Inc. (A. Sivakumaran)**  
**Agent Name: KLM Planning Partners Inc. (Marshall Smith)**  
**168 Old Kennedy Inc.**  
**168 Old Kennedy Rd, Markham**  
**PLAN 65M4289 BLK 2**

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

**a) Amending By-law 2009-105:**

non-residential uses in the ground floor of buildings within 30 metres of the easterly lot line (Old Kennedy Road), whereas dwelling units are not permitted on the ground floor of any building within 87 metres of the easterly lot line (Old Kennedy Road);

**b) Amending By-law 2009-105:**

Dwelling units within the ground floor of Block's 1 & 2, whereas dwelling units are not permitted within the ground floor of any building within 87 metres of the easterly lot line (Old Kennedy Road);

**c) Amending By-law 2009-105, Section 7.369.4(a)(i):**

a maximum of sixty-four (64) dwelling units within 87 metres of the easterly lot line (Old Kennedy Road), whereas the maximum is twenty-eight (28);

**d) Amending By-law 2009-105, Section 7.369.3(b):**

a minimum required yard from the south lot line of 8.5 metres, whereas the by-law requires 11.45 metres;

**e) Amending By-law 2009-105, Section 7.369.3(b):**

a minimum required yard from the south lot line within 30 metres of the easterly lot line (Old Kennedy Road) of 1.50 metres, whereas the by-law requires 9 metres;

**f) Section 6.9.1(b):**

0 loading spaces; whereas the by-law requires one loading space for a combination of non-residential uses with a net floor area of between 300 and 1,860 square metres;

**g) Amending By-law 2009-105:**

a residential parking rate of 1.25 parking spaces per unit, whereas 42 parking spaces are required for residential uses within 87 metres of the easterly lot line (Old Kennedy Road);

**h) Amending By-law 2009-105, Section 7.369.5(d):**

a parking rate of 2 parking spaces per live/work unit (those containing non-residential uses), whereas the minimum number of parking spaces for non-residential uses within 87 metres of the easterly lot line (Old Kennedy Road) is 37 parking spaces;

**i) Amending By-law 2009-105:**

a minimum of 23 visitor parking spaces combined for all permitted uses, whereas the minimum number of visitor parking spaces within 87 metres of the easterly lot line (Old Kennedy Road) is 7 parking spaces;

**j) Parking By-law 28-97, Section 6.1.4:**

tandem parking spaces, whereas the by-law only permits tandem parking spaces on lots with buildings containing no more than four (4) Dwelling Units, and Condominium Townhouse Dwellings with parking provided at grade and accessed via private road;

**k) Amending By-law 2009-105, Section 7.369.3(f):**

Mechanical penthouses containing no living space shall not be considered a storey, whereas a mechanical penthouse containing a floor and a ceiling are considered a storey;

as it relates to a proposed mixed-use stacked townhouse development. (Central District, Ward 8)

The Secretary-Treasurer introduced the application.

**Moved By: Patrick Sampson**

**Seconded By: Sally Yan**

THAT Application No. A/95/19 be deferred sine die.

Resolution Carried

**4. A/97/19**

**Owner Name: Vijay Kaneshanathan & Kaneshanathan Saminayagam**

**Agent Name: Sindujah Kanesanathan**

**275 Highglen Ave, Markham**

**PLAN 65M3015 LOT 29**

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

**a) Section 5.2.1:**



a secondary suite, whereas the By-law permits no more than one dwelling unit on a lot; as it relates to an existing basement apartment. (**Central District, Ward 8**)

The Secretary-Treasurer introduced the application.

The agent Vijay Kaneshanathan appeared on behalf of the application.

**Moved By: Jeamie Reingold**

**Seconded By: Patrick Sampson**

THAT Application No. A/97/19 be approved subject to conditions contained in the staff report.

Resolution Carried

5. **A/98/19**

**Owner Name: Design District Properties c/o Kevric Real Estate Corporation (Mike Zenker)**  
**Agent Name: Bousfields Inc. (David Morse)**  
**Design District Properties c/o Kevric Real Estate Corporation**  
**110 Cochrane Dr, Markham**  
**PLAN 65M2326 LOTS 17 & 18**

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

**a) By-law 165-80, Section 6.4.3(a):**

a maximum floor area ratio for commercial or mixed industrial-commercial uses of 50.5 percent, whereas the By-law permits a maximum floor area ratio for commercial or mixed industrial-commercial uses of 40 percent;

as it relates to a proposed new office tenant within an existing building. (**West District, Ward 8**)

The Secretary-Treasurer introduced the application.

The agent David Morse appeared on behalf of the application. They are requesting for one additional new office tenant. This results in an increase of the floor area ratio.

Committee member Sally Yan commented that industrial areas now face challenges attracting industrial use so this proposal is rationale.

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

THAT Application No. A/98/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**6. A/100/19**

**Owner Name: GCREF HOLDINGS GP INC. (Frank Bartello)**  
**Agent Name: MacNaughton Hermsen Britton Clarkson Planning Limited**  
**(Oz Kemal)**  
**GCREF HOLDINGS GP INC.**  
**7725 Markham Rd, Markham**  
**PLAN 65M2843 PT BLKS 1 AND 11 65R24490 PTS 6 7 8 12 13 65R25403**  
**PTS 1 AND 2**

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

**a) Amending By-law 190-91, Section 1.3:**

to permit an Automobile Service Establishment, whereas the By-law permits automobile service establishments only within an Automotive Service Mall;

as it relates to a proposed standalone Automobile Service Establishment. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Oz Kemal appeared on behalf of the application. He notes the staff report is supportive of the proposal.

Committee member Sally Yan remarks that the proposal meets four test for minor variance.

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

THAT Application No. A/100/19 be approved subject to conditions contained in the staff report.

Resolution Carried

7. **A/101/19**

**Owner Name: CHU WANG & RUI SUN**  
**Agent Name: Brutto Consulting (Claudio Brutto)**  
**51 Sprucewood Dr, Thornhill**  
**PLAN 3667 LOT 12**

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

- a) **Amending By-law 101-90, Section 1.2 (vii):**  
to permit a maximum floor area ratio of 53.88 percent, whereas the By-law permits a maximum floor area ratio of 50 percent; as it relates to a proposed two-storey single family dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Claudio Brutto appeared on behalf of the application. He contends the four tests for minor variance are met.

Committee member Jeamie Reingold supports the proposal as it stands.

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

THAT Application No. A/101/19 be approved subject to conditions contained in the staff report.

Resolution Carried

8. **A/103/19**

**Owner Name: Arastoo Mokhtari**  
**Agent Name: Paar Design (Nikol Paar)**  
**48 Grandview Ave, Thornhill**  
**PLAN 2446 LOT 339**

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

- a) **Amending By-law 101-90, Section 1.2(i) - Building Height:**

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

**b) Section 6.1 - Minimum Side Yard Setback:**

a minimum westerly side yard setback of 1.51 metres; whereas the By-law requires a minimum side yard setback of 1.8 metres;

**c) Amending By-law 101-90, Section 1.2(vii) - Maximum Floor Area Ratio:**

a maximum floor area ratio of 54.8 percent (3,410.10 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,113 sq.ft.);

as it relates to a proposed two-storey detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Nikol Paar appeared on behalf of the application. She indicates two other similar proposals were approved in the area.

**Moved By: Patrick Sampson**

**Seconded By: Sally Yan**

THAT Application No. A/103/19 be approved subject to conditions contained in the staff report.

Resolution Carried


**MOTION TO ADJOURN**


**Moved by Sally Yan**

**Seconded by Patrick Sampson**

THAT the meeting of Committee of Adjustment be adjourned at 9:24 p.m., and the next regular meeting will be held on November 13, 2019.

CARRIED

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

  
\_\_\_\_\_  
Chair