



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

**November 13, 2019**  
**7:30 p.m.**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 20<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
Tom Gutfreund	7:30PM
Sally Yan	7:30PM
Patrick Sampson	7:30PM
Gregory Knight, Chair	7:30PM
Kelvin Kwok	7:30PM

Justin Leung, Secretary-Treasurer  
Bradley Roberts, Manager, Zoning and Special Projects  
Melissa Leung, Committee of Adjustment Technician

*Regrets*  
Arun Prasad

**Minutes: October 23, 2019**

THAT the minutes of Meeting No. 19 of the City of Markham Committee of Adjustment, held October 23, 2019, be

- a) Approved as submitted, on November 13, 2019

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

Carried

**DISCLOSURE OF INTEREST –**

None

**PREVIOUS BUSINESS:**

**1. A/156/18**

**Owner Name: True Jesus Church (Apostolic Faith) Canada (Scott Tsai)  
Agent Name: TAES Architects Inc. (Shenshu Zhang)  
True Jesus Church (Apostolic Faith) Canada  
14th Ave, Markham  
PL 65M2457 PT LT 1 & PT BLK 16 65R21648 PTS 2 AND 4**

The applicant is requesting relief from the requirements of By-law 28-82 as amended to permit:

- a) Amending By-law 236-96, Section 6.5.3 (g):**  
parking spaces to encroach 0.89 m into the required landscaped open space adjoining 14th Avenue, whereas the By-law does not permit parking spaces to encroach into landscaped open spaces adjoining streets and highways;
- b) Parking By-law 28-97, Table B:**  
a minimum of 80 parking spaces, whereas the By-law requires a minimum of 88 parking spaces;

as it relates to a proposed three-storey church. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application. The subject property is in a commercial corridor. The area is currently of a quiet setting. The parking spaces are designed for a variety of large and small vehicles to park. In discussions with staff, additional sidewalk was added along 14<sup>th</sup> Avenue.

Joseph Virgilio representing landowner to the east. His client continues to have concerns with the parking as proposed. Public transit is not accessible to this location. The use for church is not issue but it is that parking requirements be complied with. They recommend conditions that fencing be installed and that proper signage in place on advising against illegal parking if application was approved.

Committee member Tom Gutfreund asked of their thoughts on installing fencing. He believes this condition should be imposed to discourage people parking on adjacent properties.

Mr. Zhang responded he was unsure if it would be feasible here.

Committee member Sally Yan asked if there are other cultural events at the site.

Mr. Zhang responded it is primarily a church use.

Committee member Tom Gutfreund recommend approval with conditions as recommended by Mr. Virgilio.

**Moved By: Tom Gutfreund**  
**Seconded By: Jeamie Reingold**

THAT Application No. A/156/18 be approved subject to conditions contained in the staff report.

Resolution Carried

2. **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, 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;
- b) **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;
- 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) dwelling units;
- d) **Amending By-law 2009-105, Section 7.369.4(a)(ii):**  
dwelling units within the ground floor of buildings beyond 30 metres of the easterly lot line, whereas dwelling units are not permitted within the ground floor of any building within 87 metres of (Old Kennedy Road) the easterly lot line;
- e) **Amending By-law 2009-105, Section 7.369.5(d):**

a minimum of 7 parking spaces for 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;

**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) 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;

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

for buildings beyond 30 metres of the easterly lot line, 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.

The agent Marshall Smith appeared on behalf of the application. This application relates to a block plan as part of a larger residential development. The previous by-law which was site specific did not capture certain specific elements for this development proposal.

Committee member Kelvin Kwok asked how development proposal has changed from 2009.

Mr. Smith responded it is actually just under 1 FSI of zoning allowances here.

**Moved By: Kelvin Kwok**

**Seconded By: Sally Yan**

THAT Application No. A/95/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

1. **A/15/18**

**Owner Name: Saeid Talebi**

**Agent Name: Memar Architects Inc (Samer Abdelmalak)**  
**8 Elspeth Pl, Thornhill**  
**PLAN M862 LOT 15**

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

- a) **Section 3.7:**  
an eaves projection of 24 inches, whereas the By-law requires a maximum eave projection of 18 inches into any required yard;
- b) **Amending By-law 101-90, Section 1.2(i):**  
a maximum building height of 10.07 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- c) **Section 6.1:**  
a minimum front yard setback of 25.2 feet, whereas the By-law requires a minimum front yard setback of 27 feet;
- d) **Section 3.7:**  
an unenclosed roofed porch encroachment of 80.5 inches, whereas the By-law permits a maximum encroachment of 18 inches in to the required front yard setback;
- e) **Section 6.1:**  
a minimum side yard setback of 1.55 metres on both sides, whereas the By-law requires a minimum side yard setback of 1.8 metres;  
as it relates to a proposed two-storey dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Samer Abdelmalak appeared on behalf of the application. The applicant engaged in discussions with Toronto and Region Conservation Authority (TRCA) to revise proposal as portion of property is within their regulated area. It is a unique pie shaped lot. The overall proposal is minor as it relates to parcel.

Han Choo as resident inquired about the current setback and how this proposal would impact this.

Mr. Abdelmalak commented the side yard setback will only be impacted minimally.

Resident west of property had concerns of tree removal and sitting of house which does not appear to be able to fit on the parcel.

Mr. Abdelmalak responded that they intend to speak with TRCA and work to save as many trees on site as possible. The proposal will be accomplished in a manner in keeping with the neighbourhood.

**Moved By: Tom Gutfreund**  
**Seconded By: Jeamie Reingold**

THAT Application No. A/15/18 be approved subject to conditions contained in the staff report.

Resolution Carried

2. B/15/19

**Owner Name: Amica Unionville Inc. (Kathryn Randle)**  
**Agent Name: Amica Unionville Inc. (Kathryn Randle)**  
**Amica Unionville Inc.**  
**34 Main St, Unionville**  
**CON 5 PT LOT 9**

**The owner is requesting:**

- a) establish easements on the subject property for access and maintenance of the sanitary sewer in favour of Phase 3, Part 5, owned by Safe & Sound Storage Inc., over Parts 6, 7, 8 and 9, owned by Amica Unionville Inc.

The proposed consent is to formalize a service already approved by the City and constructed. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The applicant Kathryn Randle appeared on behalf of the application. She indicated the consent application relates to servicing.

The architect for the proposal spoke as it relates to the related minor variance application. Increased demand for retirement services has resulted in changes to the proposal.

Representative of 10 Unionville Gate inquired impacts as they relate to their property which is the medical building.

Ms. Randle stated that the servicing is now being done in anticipation of phasing the development. There will be no adverse impact to neighbouring properties.

**Moved By: Tom Gutfreund**  
**Seconded By: Jeemie Reingold**

THAT Application No. B/15/19 be approved subject to conditions contained in the staff report.

Resolution Carried

3. **A/93/19**

**Owner Name: Amica Unionville Inc. (Jack Winberg)**  
**Agent Name: Amica Unionville Inc. (Kathryn Randle)**  
**Amica Unionville Inc.**  
**34 Main St, Unionville**  
**CON 5 PT LOT 9**

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

- a) **Amending By-law 2010-48, Section 6.8.2(a):**  
a minimum width of landscaped strip along the southern lot line of 0 m, whereas the By-law requires a minimum width of 3 m;
- b) **Amending By-law 2010-48, Schedule E2:**  
a maximum of 294 retirement rooms of which a maximum of 16 may include cooking facilities, whereas the By-law permits a maximum 283;
- c) **Amending By-law 2010-48, Schedule E3:**  
a maximum height of 16 m in height layer 2, whereas the By-law permits a maximum height of 11.3 m;
- d) **Amending By-law 2010-48, Schedule E3:**  
a maximum height of 25 m in height layer 3, whereas the By-law permits a maximum height of 17.3 m;
- e) **Amending By-law 2010-48, Schedule E3:**  
a maximum height of 32 m in height layer 4, whereas the By-law permits a maximum height of 26.3 m;
- f) **Amending By-law 2010-48, Schedule E4:**  
a minimum setback of 9.90 m from the south lot line, whereas the By-law requires a minimum of 11 m;
- g) **Amending By-law 2010-48, Schedule E4:**  
a minimum north building setback at ground level of 5 m, whereas the By-law requires 7 m;
- h) **Amending By-law 2010-48, Schedule E4, Exception\*4:**  
an underground parking garage to encroach 10.5 m into the south property line setback, whereas the By-law permits 8 m;

as it relates to a proposed 9-storey retirement home with 144 units and 1 level of below grade parking. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The applicant Kathryn Randle appeared on behalf of the application. She indicated the consent application relates to servicing.

The architect for the proposal spoke as it relates to the related minor variance application. Increased demand for retirement services has resulted in changes to the proposal.

Representative of 10 Unionville Gate inquired impacts as they relate to their property which is the medical building.

Ms. Randle stated that the servicing is now being done in anticipation of phasing the development. There will be no adverse impact to neighbouring properties.

**Moved By: Tom Gutfreund**  
**Seconded By: Jeamie Reingold**

THAT Application No. A/93/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**4. A/105/19**

**Owner Name: MARIJA SALOPEK**  
**Agent Name: MARIJA SALOPEK**  
**272 Main St, Markham**  
**PLAN 1105 PT LOT 8**

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

- a) Section 6.1 (a):**  
a second dwelling unit, whereas the By-law does not permit secondary suites;  
  
as it relates to a proposed main floor secondary suite. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The applicant Marija Salopek spoke on behalf of the application. No changes to exterior of house is proposed. Fire Services had already inspected property.

Anise Liberte lives in subject property and supports the application.

Committee member Jeamie Reingold asked about paved area in rear of property.



Ms. Salopek there is some landscaping in the rear. The rear paved area is historical condition.

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

THAT Application No. A/105/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**5. A/106/19**

**Owner Name: Asif Rehman & Syeda Tahira Asif**  
**Agent Name: Vin Engineering Inc. (Sunil Shah)**  
**36 Lady Fern Dr, Markham**  
**PLAN 65M-3133 LOT 196**

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

**a) Table A1 & Section 6.5:**

To permit an accessory basement dwelling unit, whereas the By-law permits no more than one single detached dwelling/dwelling unit on a lot, unless otherwise specified;

as it relates to a proposed basement apartment. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

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

THAT Application No. A/106/19 be deferred sine die.

Resolution Carried

**6. A/107/19**

**Owner Name: Peng Fei Cao**  
**Agent Name: Z Square Group (Mengdi Zhen)**  
**147 Fitzgerald Ave, Markham**  
**PLAN 7566 LOT 271**

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

- a) **Section 6, Schedule B:**  
a maximum lot coverage of 33.60 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;
- b) **Section 6, Schedule B:**  
a minimum side yard setback of 4 ft (1.22 m) for both sides, whereas the By-law permits a minimum side yard setback of 6 ft (1.82 m);
- c) **Section 6, Schedule B:**  
a maximum height of 28.84 ft (8.79 m), whereas the By-law permits a maximum height of 25 ft (7.62 m);

as it relates to a proposed two-storey detached dwelling. (**Central District, Ward 3**)

The Secretary-Treasurer introduced the application.

The agent Mengdi Zhen appeared on behalf of the application.

Committee member Tom Gutfreund asked about height of ceiling and basement. He indicates concern about the building height. He also indicated he cannot support application in its current form.

Mr. Zhen responded it is 11 feet for both.

Committee member Kelvin Kwok also indicated height is a concern.

Committee member Sally Yan asked about size of proposal. The proposal is quite large and incompatible for the area.

Mr. Zhen indicated 3700 square feet.

The Chair stated the proposal is too large and indicated they could defer to address comments as provided by Committee.

Mr. Zhen responded that for resident comments they do not believe the sunlight will be impacted.

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

THAT Application No. A/107/19 be deferred sine die.

Resolution Carried

7. **A/108/19**

**Owner Name: NASRUL KHAN**  
**Agent Name: SHDesign (Samir Hinnawi)**  
**419 Elson St, Markham**  
**PLAN 65M3741 LOT 37**

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

- a) **Section 6.1.2(b):**  
a side yard setback of 0.28 m. whereas the By-law requires a minimum side yard setback of 1.2 m;
- b) **Section 4.6(b):**  
a roofed porch with unenclosed sides ('covered patio') to project a distance of not more than 1.15 m into the required rear yard, whereas the By-law permits a distance of not more than 0.45 m into any required yard;
- c) **Section 6.1.2(b):**  
a minimum rear yard setback of 6.35 m to the covered patio, whereas the By-law requires a minimum setback of 7.5 m;

as it relates to an existing one-storey side yard addition and rear covered patio that was built without a permit. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Samir Hinnawi appeared on behalf of the application. Letters of support were gathered and that they have engaged an engineer to address drainage issues.

Committee member Tom Gutfreund asked about addition and if built without building permit and siding material.

Mr. Hinnawi indicated that it had not and that it was vinyl siding.

Committee member Tom Gutfreund believes additional condition may be needed to ensure addition built in compliance with Ontario Building Code.

Mr. Hinnawi further commented that grading is addressed as part of a condition of approval.

Committee member Sally Yan believes the conditions will address issues as discussed by the Committee.

**Moved By: Sally Yan**

**Seconded By: Kelvin Kwok  
Jeamie Reingold and Tom Gutfreund opposed**

THAT Application No. A/108/19 be approved subject to conditions contained in the staff report.

Resolution Carried

8. **A/109/19**

**Owner Name: MICHAEL & ANGELA PAPAPETROU  
Agent Name: Gatzios Planning & Development Consultants Inc. (Maria Gatzios)  
79 Green Lane, Thornhill  
PLAN 2382 PT LOT 4**

The applicant is requesting relief from the requirements of By-law 77-73 as amended to permit:

- a) **Section 8.3.1.1:**  
to permit pet care services including daycare, grooming, training and treatment, including associated pet retail sales, whereas the By-law only permits business offices and veterinary clinics;

as it relates to a proposed dog day care. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent of Gatzios Planning appeared on behalf of the application.

Committee member Kelvin Kwok asked if any overnight boarding.

The agent responded it will not.

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

THAT Application No. A/109/19 be approved subject to conditions contained in the staff report.

Resolution Carried

9. **A/111/19**

**Owner Name: Shoukatali & Almas Damani**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**47 Barlow Rd, Markham**  
**PLAN 65M2248 LOT 89**

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

- a) **Section 6.1 & 7.1.1:**  
to permit a second dwelling unit/basement apartment, whereas the By-law permits no more than one single detached dwelling unit on a lot;

as it relates to a proposed existing basement apartment. **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. The suite it was for the two sons to live separately.

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

THAT Application No. A/111/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**10. B/20/19**

**Owner Name: Han Feng Pu**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**20 Grandview Boulevard, markham**  
**PLAN 4365 LOT 11**

**The owner is requesting:**

- a) sever and convey a parcel of land with lot frontage of 20.9 m and area of 856.1 sq. m (Part 2);  
b) retain a parcel of land with lot frontage of 20.9 m and area of 856.2 sq. m (Part 1).

This serves as a re-application for an identical consent application B/22/14, which was approved by the Committee of Adjustment on October 21, 2015 but lapsed at the expiration of two years after the date of the issued Certificate.  
**(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application. The applicant inadvertently did not register Certificates of Official within two year deadline. As such, they are now re-applying.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. She indicated that the related minor variance applications had been refused so these lots must be constructed according to Zoning requirements.

**Moved By: Tom Gutfreund**  
**Seconded By: Jeannie Reingold**

THAT Application No. B/20/19 be approved subject to conditions contained in the staff report.

Resolution Carried


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**MOTION TO ADJOURN**

**Moved by Kelvin Kwok**  
**Seconded by Sally Yan**

THAT the meeting of Committee of Adjustment be adjourned at 9:38 p.m., and the next regular meeting will be held on November 27, 2019.

CARRIED

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

  
\_\_\_\_\_  
Chair