



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

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

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 4<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:

Arrival Time

Philip Gunn, Chair	7:30PM
Jeannie Reingold	7:30PM
Tom Gutfreund	7:30PM

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

*Absence*

Gregory Knight  
Gary Muller  
Arun Prasad

**Minutes: February 20, 2019**

THAT the minutes of Meeting No. 3 of the City of Markham Committee of Adjustment, held February 20, 2019, be

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

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

Carried

**DISCLOSURE OF INTEREST –**

None

**PREVIOUS BUSINESS:**

1. **A/112/17**

**Owner Name: Kiril Penkov & Teodora Buhteva**  
**Agent Name: Ron Pansino**  
**104 Glen Cameron Rd, Thornhill**  
**PLAN 2426 LOT 165**

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

**a) Section 4.1:**

a second dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot;

**b) Infill By-law 101-90, Section 1.2 (i):**

a maximum building height of 9.22m, whereas the By-law permits a maximum building height of 8.6m;

**c) Amending By-law 61-94, Section 4:**

a minimum east side yard setback of 1.3m, whereas the By-law requires a minimum side yard setback of 1.8m;

**d) Amending By-law 61-94, Section 4:**

a minimum west side yard setback of 0.27m to an existing one storey carport, whereas the By-law requires a side yard setback of 1.2m;

as it relates to an addition to the existing dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The owner Kiril Penkov appeared on behalf of the application.

Committee member Tom Gutfreund asked about the garage status.

Mr. Penkov responded that the garage has been in existence since the 1950s.

**Moved By: Tom Gutfreund**

**Seconded By: Jeamie Reingold**

THAT Application No. A/112/17 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

2. **A/71/18**

**Owner Name: Lina Dimartino**  
**Agent Name: Lemca Consultants (Leo Mastrandrea)**  
**57 Hawkridge Ave, Markham**  
**PLAN 6584 LOT 6**

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

- a) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 21.0 m, whereas the By-law permits a maximum building depth of 16.8 m;
- b) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 54 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as they relate to a proposed residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Leo Mastrandrea appeared on behalf of the application. Mr. Mastrandrea indicated that the application has been deferred on three occasions. In their research, they found that there were several adjacent properties will similar maximum floor area ratio variance requests. Other modifications to the property had been made in consultations with Planning staff.

Doug Crocker of 55 Hawkridge Ave spoke in opposition to the application. Mr. Crocker showed pictures of other new builds which have occurred in the neighbourhood. Mr. Crocker indicated that Committee members had raised concern about roof design and overall massing. The changes to the proposal seem minor and not completely addressing Committee comments.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. The new roof design appears less compatible in comparison to previous design. A hedge on one side of the property could potentially be impacted with this proposed house.

Isabelle Costa speaking on behalf of Elizabeth Chong who resides across street of this subject property. This application has been deferred several times. There appears to be communication issues between Committee members and Planning staff.

Committee member Tom Gutfreund commented that the proposal is not a minor proposal.

The Chair commented that the proposal is too large for the site.

The Secretary-Treasurer stated, in relation to a letter received from applicant's lawyer, that the applicant had chosen to apply for a minor variance application. As such, they would have to undergo a Planning process in relation to this. Property-owners can choose to build a structure according to Zoning By-law. Or they may elect to apply for a minor variance application.

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

THAT Application No. A/71/18 be refused.

Resolution Carried

**3. A/169/18**

**Owner Name: Liu Jiayi**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**3 Jonquil Cres, Markham**  
**PLAN 4949 LOT 166**

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

- a) Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Net Floor Area Ratio of 50.75 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- b) Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 18.99 m, whereas the By-law permits a maximum building depth of 16.8 m;
- c) Infill By-law 99-90, Section 1.2 (i):**  
a maximum building height of 10.18 m, whereas the By-law permits a maximum building height of 9.8 m;

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

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application. Building depth request had actually been reduced in discussion with Planning staff.

Isabelle Costa spoke in opposition to the application.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Compact house design should be done in this neighbourhood.

The Chair indicated he did not believe a three car garage could be compatible for this neighbourhood.

Committee member Tom Gutfreund believe net floor area request could be reduced.

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

THAT Application No. A/169/18 be deferred sine die.

Resolution Carried

**4. A/178/18**

**Owner Name: 49th Summit Investment Inc. (Zhang Tan Zheng)**  
**Agent Name: AND Architecture Inc. (Sam Wu)**  
**49th Summit Investment Inc. 25 Galsworthy Dr, Markham**  
**PLAN 4949 LOT 128**

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

**a) Infill By-law 99-90, Section 1.2 (vi):**  
a maximum net floor area ratio of 49.7 percent, whereas the By-law permits a maximum net floor area ratio of 45 percent;

as it relates to a proposed new residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Sam Wu appeared on behalf of the application. There had been a reduction in overall area of the proposed house.

Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application.

Committee member Jeamie Reingold commented possibly condition to address design more in keeping with neighbourhood.

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

THAT Application No. A/178/18 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff with additional condition that applicant work with Planning staff to look at reduction in front steps.

Resolution Carried

5. **A/03/19**

**Owner Name: ARDEVAN and DARYA BAKHTARI**  
**Agent Name: Markham High Tech Inc. Architects (Michael Forte)**  
**154 Ramona Blvd, Markham**  
**PLAN 9143 LOT 92**

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

**a) Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Net Floor Area Ratio of 49 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

as it relates to a proposed addition to a residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Michael Forte spoke on behalf of the application. Previous changes to the proposal had been acceptable to Planning staff.

Committee member Tom Gutfreund feels changes are now acceptable.

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

THAT Application No. A/03/19 be approved subject to conditions contained in the staff report and additional condition that siting of house be reviewed and approved by Planning staff.

Resolution Carried

6. **A/05/19**

**Owner Name: Gabriele and Stephen Tar**  
**Agent Name: Shane Gregory**  
**175 Main St, Markham**  
**PLAN 18 PT LOT 4 BLK K**

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

**a) Amending By-law 53-94, Section 1.2(k):**

a sign for a business in the front yard, whereas the By-law does not permit a business sign;

as it relates to a home occupation within an existing residential dwelling. (**Heritage District, Ward 4**)

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application.

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

THAT Application No. A/05/19 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

**NEW BUSINESS:**

**1. A/110/18**

**Owner Name: Morten Kongsted**  
**Agent Name: Gregory Design Group (Russ Gregory)**  
**41 Church St, Markham**  
**PLAN 180 PT LOT 3 PT LOT 4**

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

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

a minimum one-storey side yard setback of 0.91 m (east), whereas the By-law requires a minimum one-storey side yard setback of 4 ft (1.22 m);

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

a minimum two-storey side yard setback of 1.22 m (east), whereas the By-law requires a minimum two-storey side yard setback of 6 ft (1.83 m);

as it relates to a proposed attached garage and loft addition to a residential dwelling. (**Heritage District, Ward 4**)

The Secretary-Treasurer introduced the application.

The agent Shane Gregory appeared on behalf of the application.

Anthony Wong of 43 Church Street spoke in opposition to the application. The property appears to be water drainage issues which may be exacerbated by this proposed house construction.

The agent responded that additional work would be undertaken with City engineering staff. The driveway will be asphalt. They also indicated that while Heritage Markham committee made certain request for setbacks, Planning staff had a slightly different request in their staff report.

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

THAT Application No. A/110/18 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

**2. A/01/19**

**Owner Name: Vishnu and Usha Dooday**  
**Agent Name: SMDA (Rick Mateljan)**  
**62 Sherwood Forest Drive, Markham**  
**PLAN 5810 S PT LOT 198 N PT LOT 199**

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

- a) Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 17.55 metres, whereas the By-law permits a maximum building depth of 16.80 metres;
- b) Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Net Floor Area Ratio of 49.9 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

as it relates to a proposed residential dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Rick Mateljan spoke on behalf of the application. Rear of building has been tucked in and roof reduced to minimize impact of building massing. He also indicated they had reached out to residents to discuss the proposal with them.

Verna Gilchrist of 64 Sherwood Forest Drive spoke in opposition to the application. This proposed house would affect sunlight going into her property. She has concerns about potential impacts to her home during construction.



Liz Brown of 65 Lincoln Green Drive spoke in opposition to the application. Some reductions to net floor area may be possible.

Joe Ringle of Sherwood Forest Drive spoke in support of the application.

The Chair stated that roof overhang could be removed from proposal.

Committee member Tom Gutfreund indicated some revisions to the proposal could benefit to the neighbour.

Committee member Jeamie Reingold indicated front elevation may not be in keeping with neighbourhood. Landscape treatment for property may be necessary. Overhang balcony should be removed.

The agent responded that overhang balcony has actually now been removed.

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

THAT Application No. A/01/19 be deferred sine die.

Resolution Carried

3. **A/02/19**

**Owner Name: Leora Blum and Bill Kokotsis**  
**Agent Name: Gregory Forfar**  
**38 Galsworthy Dr, Markham**  
**PLAN 4949 LOT 65**

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

**a) By-law 1229; Table 11.1:**

minimum front yard setback of 23.45 feet (7.15m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

**b) Amending By-law 99-90, Section 1.2 (i):**

a maximum building height of 10.57 m, whereas the By-law permits a maximum building height 9.8 m;

as they relate to a proposed residential dwelling that is under construction(**East District, Ward 4**)

The Secretary-Treasurer introduced the application.

The agent Gregory Forfar appeared on behalf of the application. The proposed home is in keeping with the neighbourhood. Mr. Forfar did raise condition for enclosed porch.

Liz Brown of 65 Lincoln Green Drive spoke in relation to the application. She indicated there appears to have been error in foundation.

Tom Goree of 50 Lincoln Green Drive spoke in opposition to the application.

Committee member Tom Gutfreund commented that error in construction is noted. Enclosure of front porch area would not be appropriate.

The Chair suggested that a zoning review should be done.

**Moved By: Tom Gutfreund**

**Seconded By: Jeamie Reingold**

THAT Application No. A/02/19 be deferred sine die.

Resolution Carried

**4. A/12/19**

**Owner Name: KARI TRAN and CHI-SAM TRAN**

**Agent Name: Tai Architect Inc (Ken Tai)**

**7 Heritage Corners Lane, Markham**

**CON 7 PT LOT 16 RP 65R24463 PART 7**

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

**a) Amending By-law 260-87, 118-91, 2007-152, Section 1 (d)(iii):**

a maximum building height of 5.67 m for an accessory building, whereas the By-law permits a maximum building height of 5.5 m for an accessory building;

**b) Amending By-law 260-87, 118-91, 2007-152, Section 1 (d)(iv):**

a maximum Gross Ground Floor area of 91.30 sq.m for an accessory building, whereas the by-law permits a maximum Gross Ground Floor area of 65 sq.m for all accessory buildings;

as it relates to a proposed detached garage with studio space above. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Ken Tai appeared on behalf of the application.

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

THAT Application No. A/12/19 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

5. A/13/19

**Owner Name: Trung Tran**  
**Agent Name: Tran Dieu & Associates Inc (Elwin Wong)**  
**1 Florelle Dr, Markham**  
**PLAN 65M3809 LOT 78**

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

**a) Section 6.5:**

a secondary 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:**

two parking spaces, whereas the By-law requires three parking spaces;

as it relates to a proposed secondary unit. **(East District, Ward 6)**

The Secretary-Treasurer introduced the application.

The agent Elwin Wong appeared on behalf of the application.

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

THAT Application No. A/13/19 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

6. **A/14/19**

**Owner Name: SMNE Developments Limited (Fieldgate Commercial Properties) (Stephanie Volpentesta)**  
**Agent Name: Zelinka Priamo Ltd. (Rob McFarlane)**  
**SMNE Developments Limited (Fieldgate Commercial Properties) 7025 Markham Rd, Markham**  
**PLAN 65M3530 BLK 100**

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

**a) Amending By-law 107-1999, Section 6.10.1 (b)(iii):**

no more than 12 percent of the ground floor of any building or structure to be occupied by business and professional offices, whereas the By-law permits no more than 10 percent of the ground floor of any building or structure to be occupied by business and professional offices;

as it relates to a proposed dental office in an existing building. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent Rob Macfarlane appeared on behalf of the application.

**Moved By: Tom Gutfreund**

**Seconded By: Jeamie Reingold**

THAT Application No. A/14/19 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.

Resolution Carried

7. **B/02/19**

**Owner Name: Langstaff Land Holdings Ltd.**  
**Agent Name: FASKEN MARTINEAU DUMOULIN LLP, BARRISTERS & SOLICITORS (Neil M. Smiley)**  
**Langstaff Land Holdings Ltd. 201 Langstaff Rd, Thornhill**  
**PLAN 2386 N PT LOT 85**

The owner is proposing:

a) sever and convey a parcel of land with an approximate area of 4,050.40 sq. m and lot frontage of 33.2 m (Lot 61);

b) retain a parcel of land with an approximate area of 34,752 sq. m and lot frontage of 99.67 m (Lots 85 to 89).

The purpose of this application is to re-establish a lot that has been merged in title.  
**(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Neil Smiley appeared on behalf of the application.

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

THAT Application No. B/02/19 be approved subject to conditions contained in the staff report and additional condition that sitting of house be reviewed and approved by Planning staff.


Resolution Carried

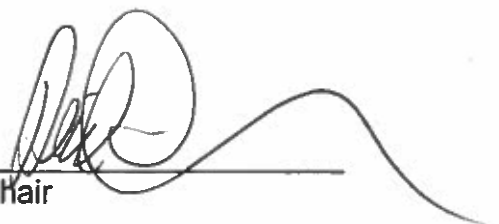
**MOTION TO ADJOURN**

**Moved by Tom Gutfreund**  
**Seconded by Jeamie Reingold**

THAT the meeting of Committee of Adjustment be adjourned at 9:47 p.m., and the next regular meeting will be held on March 27, 2019.

CARRIED

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

  
\_\_\_\_\_  
Chair