



**CITY OF MARKHAM**  
Virtual meeting on zoom

**January 20, 2021**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 1<sup>st</sup> regular meeting of the Committee of Adjustment for the year 2021 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Jeamie Reingold	7:00PM
Tom Gutfreund, Acting Chair	7:00PM
Patrick Sampson	7:00PM
Arun Prasad	7:00PM
Sally Yan	7:00PM
Kelvin Kwok	7:00PM

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

Regards  
Gregory Knight

**DISCLOSURE OF INTEREST**

-none

**Minutes: December 16, 2020**

THAT the minutes of Meeting No. 24 of the City of Markham Committee of Adjustment, held December 16, respectively, be

- a) Approved as submitted, on January 20, 2021

-Member Arun Prasad indicated he was not in attendance at meeting. The minutes would be edited to reflect that.

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

**PREVIOUS BUSINESS**

**1. A/041/20**

**Owner Name: Yaqing Yu**  
**Agent Name: OBP Consultants Inc. (Hongxing Xin)**  
**35 Bakerdale Rd, Markham**  
**PLAN M1789 BLOCK B**

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 floor area ratio of 49.98 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

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

The Secretary-Treasurer introduced the application.

Hongxing Xin, agent, appeared on behalf of the application. Currently, there is an older dwelling on the site. They proposed to demolish it and build a new home on the site.

Paul Scarpitti of 30 Bakerdale Road spoke in opposition to the application. He does not believe variances are needed to construct a new home here. He also is not sure the walkout as proposed is necessary.

Paul Cappuccio of 37 Bakerdale Road spoke in opposition to the application. They moved here due to the local neighbourhood characteristics. He is also concerned about the balcony being proposed on privacy related reasons.

Shirley Macleod of 33 Bakerdale Road spoke in opposition to the application. While she is agreeable to a new home being built at this site, the overall size of this propose house is inappropriate. She is also concerned there could be some trees removed from the site. The proposed balcony is also of concern to her.

Committee member Jeamie Reingold commented on the potential tree issues. She is concerned about the overall scale and size of the proposal.

Mr. Xin responded that he believes the 2<sup>nd</sup> floor balcony can be removed. The walkout proposed can also be removed. They are willing to speak with TRCA to look at potential additional tree plantings on the site.

The Chair asked about potential privacy screening.

Mr. Xin responded they may be agreeable to do this.

Committee member Sally Yan stated that changes to proposed in terms of basement walkout, privacy screening and removal of the balcony would act to address resident concerns. She is not as concerned with the net floor area variance. She recognizes there are neighbourhood resident concerns as this appears to be first in-fill house. However, Markham is a City and development has been continuing to occur.

Committee member Jeamie Reingold comments that she is not sure of compatibility of this proposal for the neighbourhood context. The exterior building material looks like stone which she contends is not found on other existing houses on the street.

Committee member Arun Prasad asked if the net floor area variance request was greater in previously presented proposal. He believes issues from the neighbours have been addressed.

Mr. Xin acknowledged this.

Committee member Patrick Samspon indicated he can support this revised proposal.

Committee member Kelvin Kwok also stated that it appears neighbor concerns have been addressed.

The Chair commented that there has not been as fulsome discussion from residents on the design.

**Moved By: Sally Yan**  
**Seconded By: Arun Prasad**  
**Jeamie Reingold opposed**

THAT Application No A/041/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

**2. A/063/20**

**Owner Name: Kevin Tieyu and Amy Zhu  
Agent Name: Contempo Studio (Marin Zabzuni)  
8 Callahan Road, Markham  
PLAN 7566 LOT 24**

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

**b) Section 4.11:**

a minimum flankage yard of 11 ft 7 in, whereas a minimum of 13 ft 5.5 in is required;  
(NOW KNOWN AS VARIANCE A)

**d) Section 6.1:**

a maximum height of 26 ft 11 in (8.20m), whereas a maximum of 25 ft is permitted;  
(NOW KNOWN AS VARIANCE B)

as it relates to a proposed 2-storey detached dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Marin Zabzuni appeared on behalf of the application. He indicated that the application has been revised and 2 previous variances have now been removed.

Alick Pawlak of 16 Gainsville Avenue spoke in opposition to the application. He is concerned about traffic in the area. He believes this style house is out of character for the area.

Elaine Wilton of 14 Gainsville Avenue spoke in opposition to the application. She contends 'wrong house on the wrong lot'.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. He is not believing the scale is appropriate here. He believes the siting of the house should be changed to be consistent with other houses along the street. He has lived most of his adult life here and is unhappy with this 5 bedroom house being proposed.

Julie Sellery of 38 Gainsville Avenue spoke in opposition to the application. She does not believe it is a minor development proposal. She contends there has been other houses built in the area which have conformed to the Zoning By-law requirements.

Chris Free of 145 Krieghoff Avenue spoke in opposition to the application. She states there are flooding issues in this area and that needs to be given consideration. She also describes that there are also considerable traffic issues in the area. There also appear only 3 trees are to be kept on the site. She requests a condition that any hard

surface be correctly calculated. She would also want less windows on the side portion of the properties.

Arina Nummi of 50 Emmeloord Crescent spoke in opposition to the application. She contends the overall neighbourhood aesthetics are being negatively changed.

Sharon Chisholm of 162 Krieghoff Avenue spoke in opposition to the application. She contends it is a massive proposal of the area. Drainage is another issue for the area. Further tree planting would be preferable.

Mr. Zabzuni further stated due to the pandemic, it has limited their ability to speak with neighbours. The 5 bedrooms proposed is for a family to reside in. The lot coverage variance has now been removed.

Committee member Jeamie Reingold does not believe the fit of the proposal can be addressed to conform with the neighbourhood.

Committee member Patrick Sampson states that the lot coverage is not an issue here. However, he does not support the application as revised.

Committee member Sally Yan does not believe the revisions act to address concerns of the Committee. As a corner lot, there is greater impact for an infill house being proposed.

Committee member Arun Prasad believes a further deferral may be appropriate.

Committee member Kelvin Kwok believes that the applicant has made significant changes to the proposal. However, the community consultation element is missing here.

The Chair believes this proposal is not suitable for the neighbourhood in question.

Mr. Zabzuni responds that there has been considerations of a corner lot as it relates to the revised proposal. The four car garage in original proposal was removed to address resident concerns.

Committee Arun Prasad comments it appears the applicant does not want a deferral. So Committee should decide on the application now.

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

THAT Application No A/063/20 be refused.

Resolution Carried

**NEW BUSINESS:**

**1. A/092/20**

**Owner Name: Elina Eidkham  
Agent Name: MDI Development Inc. (Amir Reza Kamalian)  
19 Thorny Brae Dr, Thornhill  
PLAN 7695 LOT 200**

The applicant is requesting relief from the requirements of By-law 2150 as amended to permit:

**a) Section 6.1 - Building Height:**

a maximum building height of 29 ft 11 in 9.10 m) from grade, whereas the By-law permits a maximum building height of 25 feet (7.62 m);

**b) Section 6.1 - Lot Coverage:**

a maximum lot coverage of 34.76 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

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

The Secretary-Treasurer introduced the application.

**Moved By: Patrick Sampson**

**Seconded By: Kelvin Kwok**

THAT Application No. A/092/20 be deferred sine die.

Resolution Carried

**2. A/093/20**

**Owner Name: ZHANGXU HU  
Agent Name: ZHANGXU HU  
88 Glengordon Cres, Markham  
PLAN 65M4086 LOT 13**

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 apartment, whereas an accessory basement apartment is not permitted;

as it relates to a proposed basement apartment. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

The owner Zhangxu Hu appeared on behalf of the application.

Ray Noormohamed of 26 Angus Glen Boulevard spoke in opposition to the application. He is concerned about potential safety impacts to the area.

Andrew Fung of 22 Dungannon Drive spoke in opposition to the application. He is wondering how suites are regulated.

Sherry and Alan Ng of 248 Angus Glen Boulevard spoke in opposition to the application. They are concerned the character of the neighbourhood will be negatively affected.

Albert Chik of 17 Dungannon Drive spoke in opposition to the application.

Mr. Hu responded that Airbnb will not be proposed here.

Emily Leung of 13 Dungannon Drive spoke in opposition to the application. She does not want the character to be changed here.

Mei Kwong of 90 Glengordon Crescent spoke in opposition to the application. There are several family houses with children and there is potential safety issue.

Committee member Sally Yan believes secondary suites are allowed by provincial policies.

The Chair indicates support of the application.

**Moved By: Sally Yan**

**Seconded By: Patrick Sampson**

THAT Application No A/093/20 be approved subject to conditions contained in the staff report.

Resolution Carried

**3. B/015/20**

**Owner Name: Battaglia Architect Inc (Joe Battaglia)**  
**Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)**  
**159 John St, Thornhill**  
**PLAN 3512 N PT LOT 29**

To permit:

- a) sever and convey a parcel of land with an approximate lot frontage of 17.73 m (58.17 ft) and an approximate lot area of 561.71 sqm (6,046.2 sqft) (Part B);
- b) retain a parcel of land with an approximate lot frontage of 23.39 m (76.74 ft) and approximate lot area of 763.30 sqm (8,216.09 sqft).

The purpose of this application is to create a new residential lot. This application is related to Minor Variance applications A/098/20 and A/099/20.  
**(Heritage District, Ward 1)**

The Secretary-Treasurer introduced the application. I indicated that the applicant will be requesting a deferral of this application and the two other related variance applications.

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

THAT Application No B/015/20 be deferred sine die.

Resolution Carried

**4. A/098/20**

**Owner Name: Battaglia Architect Inc (Joe Battaglia)**  
**Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)**  
**159 John St, Thornhill**  
**PLAN 3512 N PT LOT 29**

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

- a) **Section 6.1 - Minimum Lot Area:**  
a lot area of 8,216.11 sq.ft, whereas the By-law requires a minimum lot area of 9,750 sq.ft;
- b) **Section 6.1 - Minimum Front Yard Setback:**

a front yard setback of 24.8 feet, whereas the By-law requires a minimum front yard setback of 27 feet;

**c) Section 6.1 - Minimum Rear Yard Setback:**

a rear yard setback of 8.2 feet, whereas the By-law requires a minimum rear yard setback of 30 feet;

**d) Infill By-law 101-90, Section 1.2(iv) - Maximum Depth:**

**b**

**e) Parking By-law 28-97, Section 6.2.4.4 a) i) - Setbacks for Driveways:**

a driveway setback of 0.6 metres, whereas the By-law requires a minimum interior side lot line driveway of 1.2 metres;

as it relates to the proposed retained lot with existing 1 1/2 storey dwelling. This application is related to consent application B/015/20 and minor variance application A/099/20. **(Heritage District, Ward 1)**

The Secretary-Treasurer introduced the application.

**Moved By: Patrick Sampson**

**Seconded By: Jeamie Reingold**

THAT Application No A/098/20 be deferred sine die.

Resolution Carried

**5. A/099/20**

**Owner Name: Battaglia Architect Inc (Joe Battaglia)**

**Agent Name: JKO Planning Services Inc. (Jim Kotsopoulos)**

**159 John St, Thornhill**

**PLAN 3512 N PT LOT 29**

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

**a) Section 6.1 - Minimum Lot Frontage:**

a lot frontage of 56 feet, whereas the By-law requires a minimum lot frontage of 75 feet;

**b) Section 6.1 - Minimum Lot Area:**

a lot area of 6,046.19 sq.ft, whereas the By-law requires a minimum lot area of 9,750 sq.ft.;

**c) Section 6.1 - Minimum Front Yard Setback:**

a front yard setback of 20.2 feet, whereas the By-law requires a minimum front yard setback of 27 feet;

**d) Section 4.9 - Minimum Flankage Yard Setback:**

a flankage yard setback of 9 inches (0.75 feet), whereas the By-law requires a minimum flankage yard setback of 15 ft 5 in;

**e) Section 6.1 - Minimum Rear Yard Setback:**

a rear yard setback of 5.9 feet, whereas the By-law requires a minimum rear yard setback of 30 feet;

**f) Infill By-law 101-90, Section 1.2(iv) - Maximum Depth:**

a building depth of 25.28 metres, whereas the By-law requires a maximum building depth of 16.8 metres;

**g) Amending By-law 223-94, Section 1 (b) - Floor Area Ratio:**

a maximum floor area ratio of 82.6 percent (4,997.64 sq.ft.), whereas the By-law permits a maximum floor area ratio of 33 percent (1,995 sq.ft.);

**h) Section 3.7 - Permitted Yard Encroachment:**

a porch stair/eaves to encroach up to the lot line, whereas the By-law requires a maximum encroachment of 18 inches into the requires yard;

as it relates to a proposed severed lot and two-storey detached dwelling. This application is related to consent application B/015/20 and minor variance application A/098/20. **(Heritage District, Ward 1)**

The Secretary-Treasurer introduced the application.

**Moved By: Patrick Sampson**

**Seconded By: Jeamie Reingold**

THAT Application No A/099/20 be deferred sine die.

Resolution Carried

**6. A/114/20**

**Owner Name: Isabelo and Pamela Hilario**

**Agent Name: Complete Home Construction Inc (Mal Benham)**

**72 Goldenwood Crescent, Markham**

**PLAN 65M3697 LOT 222**

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

**a) By-law 177-96, 7.133.2:**

allow rear yard setback of 4.04 m; whereas the By-law requires minimum of 7.5m across the full width of the lot

as it relates to a proposed addition in rear portion of property. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Giancolo Tari appeared on behalf of the application.

Abraham Chu of 95 Saffron Street spoke in opposition to the application. He believes the addition is too large.

Jack Tam of 93 Saffron Street spoke on the application. He is not completely objecting to the proposal but the size as proposed is quite large.

Sonia Kaplan of 20 Delray Drive spoke in opposition to the application. She contends her property is in downstream location and there are existing flooding issues.

Mr. Tari doesn't believe there will be a shading issue to the neighbouring property.

Committee member Arun Prasad does not believe this is an appropriate proposal.

Committee member Patrick Sampson asked if something is done illegally, it cannot be rectified.

The Manager of Zoning and Special Projects stated that requirements of By-law are more difficult to enforce. The City is looking at alternative means to address drainage issues. He does indicate that a grading plan will be necessary, if the application is approved.

Committee member Jeamie Reingold comments that entire rear portion of property can be filled with backfill.

Mr. Tari indicated that the issue of watershed of a swale is not relevant consideration for this matter.

The Chair believes this addition is being 'shoehorned' into this location.

**Moved By: Arun Prasad**

**Seconded By: Kelvin Kwok**

**Arun Prasad, Patrick Sampson and Kelvin Kwok support**

**Jeamie Reingold and Sally Yan opposed**

THAT Application No A/114/20 be refused.

Resolution Carried

**7. A/117/20**

**Owner Name: Praveen Podamshetty**  
**Agent Name: design and building permit services (Muhammad Afzal)**  
**10 Gordon Weeden Road, Markham**  
**PLAN 65M3697 LOT 130**

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

a) By-law 177-96, Sec. 6.5: to permit an accessory dwelling unit; whereas the By-law permits no more than one dwelling unit on a lot

as it relates to a proposed secondary suite (basement apartment). **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Muhammad Afzal appeared on behalf of the application. He believes the application will be appropriate development in this area.

Jack Tam of 93 Saffron Street spoke in opposition to the application. He believes the by-laws need to be updated to reflect provincial policies on secondary policies.

Committee member Jeamie Reingold asked about soft landscaping area.

Mr. Afzal responded there will be soft landscaping incorporated to the property.

Committee member Sally Yan indicated some changes to the property have been made to accommodate the secondary suite.

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

THAT Application No A/117/20 be approved subject to conditions contained in the staff report.

Resolution Carried

8. **A/123/20**

**Owner Name: Salvisca Garaca**  
**4 Calafia Street, Markham**  
**PLAN 65M3884 PT LOT 82 RP 65R29348 PART 13**

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

**a) By-law 177-96, Sec. 6.3.1.2:**

detached private garage and any storey location above have minimum setback of 5.23 m from the main building; whereas the By-law requires minimum setback of 6.0 m

**b) By-law 177-96, Sec. 6.3.1.7 b):**

lot coverage of 20.6% for detached private garage; whereas By-law allows maximum lot coverage of 18%

**c) By-law 28-97, Sec. 3.0 Table A:**

allow 2 parking spaces; whereas the By-law requires 3 parking spaces

as it relates to a proposed coach house above an existing detached garage.  
**(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The owner Salvisca Garaca appeared on behalf of the application.

Shanmugarajah Umeskumar of 39 Morning Dove Drive spoke in opposition to the application. They contend there are already snow removal issues in this laneway.

Kesha Samaroo of 30 Calafia Street spoke in opposition to the application. He also indicated potential challenges to snow removal.

Committee member Patrick Sampson stated that, in his site visit of the area, he has not seen another coach house which extends beyond the foundation.

Committee member Sally Yan also stated she the proposal wants to achieve maximum area for the addition.

Committee member Kelvin Kwok asked if the design could be revised.

Mr. Garaca responded that if he were to do that, he could lose access to his backyard.

The Chair indicated they would prefer to see the **overhang be removed**.

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

THAT Application No A/123/20 be deferred sine die.

Resolution Carried

**9. A/125/20**

**Owner Name: Buddha Mediation Centre**  
**11175 Kennedy Road, Markham**  
**CON 6 PT LOT 28**

The applicant is requesting relief from the requirements of By-law 304-87 as amended to permit:

**a) By-law 304-86, Sec. 5.5:**

minimum distance of 33m from centre of Kennedy Rd; whereas the By-law requires 40m from centre of arterial road

as it relates to proposed gazebo to enclose a religious monument. **(West District, Ward 6)**

The Secretary-Treasurer introduced the application.

Giva of the Buddha Meditation Centre spoke on behalf of the application. They are building a religious monument.

Committee member Jeamie Reingold support the application.

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

THAT Application No A/125/20 be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

**Moved by Patrick Sampson**  
**Seconded by Sally Yan**

THAT the virtual meeting of Committee of Adjustment be adjourned 10:51 PM, and the next regular meeting will be held February 3, 2021.



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Secretary-Treasurer,  
Committee of Adjustment

CARRIED



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Chair