



**CITY OF MARKHAM**  
Virtual meeting on zoom

**September 2, 2020**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 17th regular meeting of the Committee of Adjustment for the year 2020 was held at the time and virtual space above with the following people present:

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

Justin Leung, Secretary-Treasurer  
Francois Hemon-Morneau, Acting Secretary-Treasurer  
Geoff Day, Senior Planner, Zoning and Special Projects  
Justin Mott, Development Technician  
Aleks Todorovski, Planner

**DISCLOSURE OF INTEREST**

None

**Minutes: August 12, 2020**

THAT the minutes of Meeting No. 16 of the City of Markham Committee of Adjustment, held August 12, respectively, be

- a) Approved as submitted, on September 2, 2020.

**Moved By: Tom Gutfreund**

**Seconded By: Arun Prasad**

**PREVIOUS BUSINESS**

1. **A/048/20**

**Owner Name: 10057428 Canada Corp. (Magdi Wanis)**  
**Agent Name: Corbett Land Strategies Inc. (Nick Wood)**  
**220 Cachet Woods Court, Markham**  
**PLAN 65M4414 BLK 2 65R37169 PARTS 2 AND 3**

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

**a) Section 6.4.1 (d)(iii):**

a maximum gross floor area for an accessory retail store of 278 sq.m., whereas the By-law permits a maximum of 100 sq.m.;

**b) Section 6.4.3 (a):**

a maximum allowable floor area ratio of 137 percent, whereas the By-law permits a maximum of 70 percent;

**c) Section 4.6.2 (d)(i):**

a minimum front yard setback of 3m, whereas the By-law requires a minimum front yard setback of 12m;

**d) Section 5.2 (d)(iii):**

a minimum interior side yard setback of 3m (north), whereas the By-law requires a minimum interior side yard of 7.93m;

**e) Section 5.2 (d)(iii):**

a minimum interior side yard setback of 6m (south), whereas the By-law requires a minimum interior side yard of 7.93m;

**f) Section 5.2. (d)(v):**

a yard encroachment (north) of 1.5m, whereas the By-law permits a maximum encroachment of 0.45m;

**g) Section 5.2 (d)(v):**

a yard encroachment (south) of 2.0m, whereas the By-law permits a maximum encroachment of 0.45m;

**h) Section 5.2 (d)(v):**

a yard encroachment (front) of 1.5m, whereas the By-law permits a maximum encroachment of 0.45m;

**i) Parking By-law 28-97, Section 3.0:**

a minimum parking count of 344 spaces, whereas the By-law requires a minimum of 427 spaces;

as it relates to a proposed 5-storey office building. **(West District, Ward 2)**

The Secretary-Treasurer introduced the application.

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

THAT Application No. A/048/20 be deferred sine die.

Resolution Carried

**2. A/070/20**

**Owner Name: Jim Kalogiros**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**95 Emmeloord Cres, Markham**  
**PLAN M1475 LOT 31**

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

**a) Section 6:**

a minimum side yard setback of 4 feet for a two storey structure, whereas the By-law requires 6 feet;

**b) Section 6.1:**

a maximum height of 26.75 feet, whereas the By-law requires 25 feet;

**c) Section 6.1:**

a maximum lot coverage of 37% percent, whereas the By-law requires 33.3 percent;

**d) Section 6:**

a minimum front yard setback of 22 feet 11 inches, whereas the By-law requires 25 feet;

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

The Secretary-Treasurer introduced the application.

The agent Russ Gregory appeared on behalf of the application.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. He indicated concerns over the eaves and raised safety issues related to the development. He believes the setbacks are not minor, that the massing of the building is too large which could contribute to an infringement of privacy and loss of sunlight.

Arina Nummi of 50 Emmeloord Crescent spoke in opposition to the application. She believes that the depth and the increased height of the building are too large. She read an opposition letter submitted to committee on behalf of Karen Wherry of 48 Emmeloord Crescent.

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Steve Chipun of 99 Emmeloord Crescent spoke in opposition to the application. He believes that the building will have a negative impact on backyard views and will contribute to a loss of privacy. He presented pictures and renderings of the building as seen from their backyard. He also mentioned a tree which does not appear on the revised Site Plan.

George and Hellen Kalogiros of 84 Emmeloord Crescent spoke in support of the application. They believe new developments in the area are an improvement to the community.

Mark Scarrow of 4 Callahan Road spoke in opposition of the application. He expressed concerns over the height variance and how it may negatively affect the streetscape. He believes the variances are not minor and that the development is incompatible with the neighbourhood.

Peter Hadas of 107 Fred Varley Drive spoke in opposition to the application. He expressed concerns over scale of the development

Greg and Susan Ambrozic of 97 Emmeloord Crescent spoke in opposition to the application. They do not believe sufficient changes have been made since the previous hearing. They expressed concerns over the proposed hard surface area and impact on water runoff. They believe the building will have a negative impact on street. They do not consent to trees being taken down. They request that the agent submit a shoring plan to ensure property protection. They do not believe that the variances are minor. They believe that the proposed building is too large for the property.

Sandy Wong of 88 Emmeloord Crescent spoke in opposition to the application. She shared photographs of a similar house in the neighbourhood to depict the possible impact of the proposal.

Christiane Bergauer-Free of 145 Krieghoff Avenue spoke in opposition to the application. She does not believe the area is in transition and expressed concerns that the negative effects of the new build and impact on adjacent properties.

Russ Gregory spoke in response to resident comments. He believes the house is sensible and compatible with the neighbourhood. He noted that the 4ft setback is allowed and that the requested setback is to the second storey only and for the purpose of architectural symmetry. He indicated that the revised proposal reduced the lot coverage. He noted that tree number 8 on the site plan is gone and the side hedge may remain. He ensured that shoring will be done properly to minimize any negative impacts.

Committee member Sally Yan expressed concerns with respect to building depth but agrees that the variances are minor.

Committee member Jeamie Reingold agrees with design elements of the house and that they contribute to increasing the buildings' compatibility with the neighbourhood. She believes the requested variances are minor.

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

THAT Application No. A/070/20 be approved subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

**1. A/042/20**

**Owner Name: Shiyu Zhao and Hao Zhang**  
**Agent Name: Rockim Design Inc. (Rock Kim)**  
**3 Talisman Cres, Markham**  
**PLAN 4877 LOT 45**

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):**  
to permit a maximum Net Floor Area Ratio of 49.5 percent, whereas the By-law permits a maximum Net 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.

The agent Rock Kim appeared on behalf of the application.

Committee member Tom Gutfreund indicated concerns over why variances are required. There are inconsistencies between numbers in the application. He recommends that the applicant request a deferral to confirm the numbers.

Shiyu Zhao, the owner of 3 Talisman Crescent, clarified lot calculations.

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Committee member Patrick Sampson inquired if the adjacent development (5 Talisman Crescent) is comparable in size to current proposal.

Committee member Jeamie Reingold asked that applicant request deferral.

Committee member Arun Prasad requested clarification related to lot calculations.

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

THAT Application No. A/042/20 be deferred sine die.

Resolution Carried

**2. A/075/20**

**Owner Name: Saseetharan Thirugnanasampanthen**  
**Agent Name: Varatha Design Associates (Ken Varatha)**  
**22 Barter Street, Markham**  
**PLAN 65M3976 LOT 23**

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

**a) Parking By-law 28-97, Section 3.0:**

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

**b) Section 6.5:**

to permit an accessory dwelling unit, whereas the By-law does not permit the use;

as it relates to a proposed secondary suite. (East District, Ward 7)

The Secretary-Treasurer introduced the application.

The agent Ken Varatha appeared on behalf of the application

Committee member Arun Prasad questioned accuracy of numbers but does not object variance.

Committee member Jeamie Reingold asked if the basement apartment is existing.

The agent, Ken Varatha, confirmed that the accessory dwelling unit is proposed and not existing.

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

THAT Application No A/075/20 be approved subject to the conditions contained in the staff report.

Resolution Carried

**3. A/077/20**

**Owner Name: Stiver Lane Inc. c/o Livgreen Inc. (Katelyn Hoover)**  
**Agent Name: Urban Growth Inc. (Randal Dickie)**  
**206 Main St, Unionville**  
**CON 5 PT LOT 12**

The applicant is requesting relief from the requirements of By-law 122-72 as amended to permit:

**a) Section 14.4:**

To permit Business and Professional office located on the ground floor in the 2 storey commercial building whereas the Business and Professional office shall not be located on the Ground Floor of the building;

as it relates to proposed commercial uses. **(Heritage District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Randal Dickie appeared on behalf of the application.

Christiane Bergauer-Free of 145 Krieghoff Avenue spoke in opposition to the application. She expressed concerns over parking and believes that the development will change to the character of the neighbourhood, and will be precedent setting.

Niina Felushko of Unionville BIA spoke in support of the application.

Committee member Tom Gutfreund supports the application.

Committee member Arun Prasad does not support the use and believes it is incompatible with the Heritage District.

Mr. Dickie responded that office uses are permitted in the Heritage District subject to specific criteria, and that office uses can support local businesses on Main Street.

Committee member Jeamie Reingold supports the application. Office uses would be a welcome addition to Main Street.

Committee member Sally Yan asked if the use is existing.

Sara Sterling of Unionville BIA clarified the use of the building. The proposed use is separate from the Historic Stiver House that is fronting on Main Street. The proposed use is not street facing and will be located on the side.

Committee member Kelvin Kwok addressed concerns related to parking. He does not see the proposed use creating additional parking issues. He supports the application.

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

**Opposed By: Arun Prasad**

THAT Application No A/077/20 be approved subject to conditions contained in the staff report.

Resolution Carried

THAT a partial refund be granted for Application No A/077/20. The applicant stated that the City has charged the application under a Variance with Respect to Use Fee of \$13,855 + HST, however the Official Plan and Zoning By-law allows for such a use. As such, the Development Standards fee of \$6,014 + HST should apply. The applicant requests that a partial refund in the amount of \$8,860.33.

Committee member Tom Gutfreund commented that the application was circulated and reviewed by staff and work had already occurred for this application. He would not support such a request.

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

THAT the request for partial refund be refused.

Motion Carried

## **MOTION TO ADJOURN**

**Moved by Patrick Sampson**  
**Seconded by Kelvin Kwok**

THAT the virtual meeting of Committee of Adjustment be adjourned at 10:03 PM, and the next regular meeting will be held September 16, 2020.



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CARRIED



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Secretary-Treasurer,  
Committee of Adjustment



Acting Chair