



**CITY OF MARKHAM**  
**Virtual Meeting on Zoom**

**February 01, 2023**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 2<sup>nd</sup> regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 PM
Tom Gutfreund Chair	7:00 PM
Arun Prasad	7:00 PM
Patrick Sampson	7:00 PM
Sally Yan	7:00 PM
Kelvin Kwok	7:00 PM

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Bernie Tom, Development Technician, Zoning and Special Projects

**Regrets**

Jeannie Reingold

**DISCLOSURE OF INTEREST**

None

**Minutes: January 18, 2023**

THAT the minutes of Meeting No. 1, of the City of Markham Committee of Adjustment, held January 18, 2023, respectively, be:

- a) Approved on February 01, 2023.

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

**Carried**

## **REQUESTS FOR DEFERRAL**

### **1. A/124/22**

**Owner Name: Xinyu Huang**  
**Agent Name: Chuan Liang Architects (Chuan Liang)**  
**7 Fredericton Road, Markham**  
**PLAN 4427 LOT 26**

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

- a) **By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 49.1 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

as it related to proposed two-storey single detached dwelling.

The Chair introduced the application.

Member Gutfreund motioned for deferral.

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

THAT Application No. **A/124/22** be **deferred** sine die.

Resolution Carried

## **PREVIOUS BUSINESS**

### **1. A/138/22**

**Owner Name: Golden-Hauer Investments Ltd (Shawn Goldenberg)**  
**Agent Name: Cspace Architecture (Adamo Caputo)**  
**130 Royal Crest Court, Markham**  
**PLAN 65M2616 LOT 12**

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

- a) **Parking By-law 28-97, Section 3 - Table B:**  
108 parking spaces, whereas the By-law requires 127 parking spaces;
- b) **Parking By-law 28-97, Section 5.1:**

three accessible parking spaces, whereas the By-law requires six accessible parking spaces; and

**c) By-law 108-81, Section 7.4.3 (a):**

a maximum floor area ratio of 43.80 percent, whereas the By-law permits a maximum floor area ratio of 40 percent;

as it related to proposed interior alterations for office space within existing warehouse.

The Chair introduced the application.

The agent, Chris Pretotto, appeared on behalf of the application.

Member Gutfreund asked for clarification of the application, confirming that the office space was being reconfigured, the business onsite and the reduction of accessible parking.

Chris Pretotto confirmed that the office space was being renovated. During the process, space was reallocated to the office area. The current tenant was Pet Valu. They had been operating on the site with one accessible parking spot and were increasing to three spots.

Member Sampson questioned the remote work justification for parking reduction and wondered if the Committee was the right place to deal with zoning changes relating to a changing work environment.

The Chair indicated that each application was viewed case by case. In this case, it was a single tenant with underutilized parking before implementing a hybrid work environment, and public transit was available nearby.

Member Gutfreund questioned the duration of variance.

Greg Whitfield confirmed that variance decisions were granted for the duration of use.

Member Yan requested additional information regarding the existing business and noted the location and proximity to public transit.

The agent indicated that the use as proposed was designed with the intent of the tenant to remain for several years.

Member Gutfreund motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/138/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

**2. A/225/22**

**Owner Name: Simon Chung**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**4 Soho Crescent, Markham**  
**PLAN 65M2267 PT LOTS 42 & 43 RS65R7793 PT 1**

The applicant was requesting relief from the requirements of By-law 134-79, as amended, to permit:

**a) Section 5.7 (b):**

a rear uncovered walk-up stair to extend 3.85 metres (12.63 feet) into the rear yard, whereas the By-law permits a maximum encroachment of 1.5 metres (4.92 feet);

as it related to walk-out uncovered stairs for a proposed secondary suite (basement apartment).

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Gutfreund motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/225/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/122/22**

**Owner Name: Shailaja Shekhar  
Agent Name: Shailaja Shekhar  
111 Smoothwater Terrace, Markham  
PLAN 65M3908 LOT 59**

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

**a) Section 6.2.1 (b):**

a maximum deck projection of 4.87 metres (16.0 feet), whereas the By-law permits a maximum deck projection of 3.0 metres (9.84 feet);

as it related to a proposed deck extension.

The Chair introduced the application.

The owner, Shailaja Shekhar, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Member Sampson noted this was an existing condition and was minor in nature and supported by staff with minimal impacts to privacy for the adjacent properties.

Member Gutfreund agreed with their colleague and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/122/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**4. A/251/22**

**Owner Name: Minbo Yu  
Agent Name: Jun An  
41 West Normandy Drive, Markham  
PLAN 65M3840 LOT 161**

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

a) **Section 6.3.1.2:**

a detached private garage setback of 5.26 metres from the main building on the lot, whereas the By-law permits a minimum garage setback of 6 metres;

as it related to a proposed coach house.

The Chair introduced the application.

The agent, Jun An, appeared on behalf of the application and indicated that the request was to locate mechanicals and stairs in an enclosed addition in the rear yard to maintain three parking spaces.

Member Gutfreund indicated that the application met the four tests of the *Planning Act* and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/251/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. **A/232/22**

**Owner Name: 9719342 Canada Inc. (Ying Chen)**  
**Agent Name: DTEchline International (Daniel Allan)**  
**4461 Highway 7, Markham**  
**PLAN 2926 PT LOT 4**

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

a) **By-law 8.2.1 & 28-97, Section (b):**

a minimum of 5 parking spaces, whereas the By-law requires a minimum of 6 parking spaces;

as it related to the conversion of salon/retail space to office space.

The Chair introduced the application.

The agent, Daniel Allan, appeared on behalf of the application.

Member Sampson confirmed that landscaping changes would impact the tandem parking.

Member Kwok indicated the use was changing from service commercial and retail to office and requested information regarding the duration parking of the office users.

The agent did not have information on the proposed uses.

The Chair indicated the site had one tandem and five unimpeded parking spots.

Member Gutfreund supported the application indicating the request was minor.

Member Yan supported the application noting that transportation engineering had no issues, and adequate parking was provided and the request was minor.

Member Prasad indicated that the application met the four tests of the *Planning Act*.

Member Kwok clarified that vehicles backed out onto Highway 7 from the parking and could create future issues. However, the member indicated that the application met the four tests of the *Planning Act* and supported the application.

Member Gutfreund motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/232/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**6. A/235/22**

**Owner Name: Sivalatha Sivasubramaniam**  
**Agent Name: Paar Design Inc. (Nikol Paar)**  
**32 James Speight Road, Markham**  
**PLAN 7980 LOT 67**

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

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

a maximum floor area ratio of 50.93 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Nikol Paar, appeared on behalf of the application. The application had a positive staff report which noted no adverse impacts on neighbouring properties. In addition, the design respected the building envelope.

Sharan Somaskanthan, the owner's son, indicated the proposal was for their family, who lived in and was active in the community. Therefore, the home's design had to be modified to conform as much as possible to the zoning standards while still meeting the needs of a multigenerational family with different social and work-from-home needs.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, indicated the property was located in a neighbourhood with minimal infill development and spoke to the Official Plan policies. Elizabeth noted the open-to-below space included in the design, indicating it contributed to the visual massing of the house.

Member Gutfreund noted that the existing built form of the area was very homogenous and felt that a floor area ratio of this size was out of character, and recommended the applicant redesign with a floor area ratio below 50 percent.

Member Prasad recommended reduction of the floor area ratio to 50 percent.

Member Yan supported their colleague's, indicating the floor area ratio be reduced to less than 50 percent. The design of the house contributed to streetscape massing.

Member Sampson noted they had a similar assessment of the application, indicating that the allocation of open to below space was substantial and recommended the applicant defer the decision and return with a floor area ratio under 50 percent.

The Chair, in summary, indicated that approval was not about a specific number; instead, the concerns were massing, integration with the character of the community, and meeting the intent of the Official Plan.

The applicant requested a deferral.

Member Gutfreund motioned for deferral.

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



THAT Application No. **A/235/22** be deferred sine die

Resolution Carried

**8. A/027/22**

**Owner Name: Lin Yihao**  
**Agent Name: TAES Architects Inc. (Shenshu Zhang)**  
**10 Miner Circle, Markham**  
**PLAN 7566 LOT 61**

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

- a) **Section 6.1:**  
a minimum front yard setback of 24 feet 7 inches, whereas the By-law requires a minimum front yard setback of 27 feet;
- b) **Section 6.1:**  
a minimum rear yard setback of 20 feet 9 1/2 inches, whereas the By-law requires a minimum rear yard setback of 25 feet;
- c) **Section 6.1:**  
a maximum building height of 26 feet 11 1/2 inches, whereas the By-law permits a maximum building height of 25 feet;
- d) **Section 3.7:**  
an encroachment of 13 feet 9 inches for an uncovered walk-up stair into the required rear yard, whereas the By-law permits a maximum encroachment of 5 feet into the required rear yard;

as it related to a proposed two-storey detached dwelling.

The Acting Chair introduced the application.

The agent, Shenshu Zhang, appeared on behalf of the application. The agent indicated they had worked with staff to modify the application while working with the irregularly shaped lot.

Christiane Bergauer Free, 145 Krieghoff Avenue, felt the proposed height, front walkway, and garage width could be reduced. The walkout encroachment was not minor; cumulatively, the total requests were not minor. The area had significant flooding, and each new build had hard surfaces, which increased runoff to the street and adjacent properties. The application needed to be assessed in relation to the Official Plan policies.

Member Sampson noted that the irregularly shaped lot contributed to the variance requests. However, the large lot could accommodate a larger home, and the design had been created without a significant open to below allocation. Staff supported the application, and the member had no objections.

Member Gutfreund noted that while the lot size was large, the proposed build was significant, with a floor area ratio nearing 59 percent. While the area did not have floor area ratio restrictions, the building had significant massing. Member Gutfreund requested clarification regarding the orientation of the house and adjacent properties.

Shenshu Zhang responded that the build was similar in size to the adjacent properties, with a lot coverage below the permitted maximum. The house was oriented to line up with the front of the neighbouring houses.

The Chair noted that the proposed orientation of the house was similar to the orientation of the existing house. Additionally, they noted that other large homes could be seen from the property, including a house to the rear of the property. The design was in keeping with the general character of the area. Massing was governed by lot coverage and setbacks, and the requested variances were minor.

Member Gutfreund felt the build was significant; however, based on the four tests of the *Planning Act*, the requests were minor, and they would support the application.

Member Sampson motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/027/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**9. A/004/22**

**Owner Name: 2430032 Ontario Inc. (Kathy Zegas)**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**33 Washington Street, Markham**  
**PL 18 BLK E PT LT 7**

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

- a) **Table 11.3(a)(i):**  
an accessory building with a height of 12.83 feet, whereas the by-law permits a maximum height of 12 feet;
- b) **Table 11.1:**  
a front yard setback of 11.91 feet, whereas the By-law requires a minimum front yard setback of 25.0 feet;
- c) **By-law 99-90, Section 1.2(v):**  
a maximum floor area ratio of 55.51 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
- d) **By-law 99-90, Section 1.2(ii):**  
a building depth of 19.16 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to a proposed single-detached dwelling with detached garage.

The Acting Chair introduced the application.

The agent, Shane Gregory, appeared on behalf of the application. Shane went through the proposal's details related to the new dwelling's variances.

Matey Trinkaus, 29 Washington Street, indicated that they supported an aesthetically pleasing build that would contribute to the area's heritage character. However, due to previous trimming of the boundary trees, they had concerns about the impacts of the proposal on the mature walnut tree. Additionally, Matey indicated that they and other neighbours wanted the scale and design of the proposed home to respect the heritage character of the neighbourhood.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, noted the property was located within the Heritage District, which maintained a village-like built form. Elizabeth noted the policies in the Official Plan relating to infill development and Heritage districts. They indicated that the requested floor ratio did not maintain the intent of the policies, nor was it minor in nature. Elizabeth also noted that Heritage Markham had deferred to the Committee of Adjustment regarding the floor area ratio.

Lucia Cha, 35 Washington Street, expressed concerns about the size of the proposed house and detached garage, the number of windows directly facing their side yard and the overall depth of the house, which extended both in front and behind their home. They understood there would be changes to the property and were not opposed to new development. However, they wanted to highlight the current design's impact on the streetscape and the relationship to other homes on the street.

Lawrence Croutch, 29 Jerman Street, spoke about their recent build and attention to working within the development standards and the heritage guidelines. Lawrence also noted that significant tree pruning had occurred before the application.

Member Gutfreund indicated that the proposed floor area ratio was too large, given the adjacent properties and the nature of the street within the heritage district.

Member Sampson indicated that the numbers in the staff report needed to reflect the drawings concerning the lot area and the floor calculation. In addition, the member indicated that the requested variances were too large, and the design needed better transition to the heritage nature of the street.

Greg Whitfield spoke about the errors in the staff report. The correct lot area was 858.11 m<sup>2</sup>, and the gross floor area was 408.3 m<sup>2</sup>.

Member Yan expressed that the concerns of the area residents needed to be addressed as the proposal would impact the area's character and recommended that the applicant work with the neighbours.

Shane Gregory indicated that they had an arborist report and would share it with the neighbours and worked with City staff to ensure the tree would be retained. The side yard setbacks, as proposed, met the zoning standards and were an increase from the existing side yard. The proposal had been reviewed at Heritage Markham and met their requirements. Heritage Markham had only referred the question of the increased floor area ratio approval to the Committee of Adjustment. When considered individually, the house had a 48.3 percent floor area ratio, with the additional floor area coming from the proposed reconstruction of the detached one-storey garage on Jerman Street. Heritage Markham approved the application.

Michael Palmer, 29 Washington Street, expressed that their concerns with the house's size related to the boundary tree's health.

Russ Gregory indicated that their team had been respectful of the heritage elements and character of the street and had approval from both Heritage staff and Heritage Markham. Russ requested a deferral to allow their team to address the concerns raised.

The Chair noted that the streetscape was currently a mixture of heritage and other designs. The floor area had been added through increased depth where it would not add to the streetscape massing. The Chair reiterated that the assessment of the floor area ratio variance was not purely quantitative but also a qualitative assessment of the desirability of the request. Consideration of both streetscapes was needed when assessing the proposal to ensure that the detached garage would provide sufficient balance to the frontage on Jermain Street.

A request for the deferral had been made earlier in the meeting by Russ Gregory.

Member Sampson motioned for deferral.

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

THAT Application No. **A/004/22** be **deferred** sine die

Resolution Carried

**10. A/215/22**

**Owner Name: Monica Nijhawan**  
**Agent Name: CS&P Architects Inc. (Sam Spagnuolo)**  
**16 Cachet Parkway, Markham**  
**PLAN 6037 LOT 38**

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

- a) **By-law 304-87, Section 7.5 (c):**  
a maximum height of 12.31 metres, whereas the By-law permits a maximum height of 10.7 metres;
- b) **Parking By-law 28-97, Section 6.2.4.1 b) and 6.2.4.7:**  
an attached garage floor lower than the street elevation, whereas the By-law requires an attached private garage floor for single detached dwelling to be higher than the street elevation;
- c) **By-law 304-87, Section 2.0:**  
a second kitchen within the single family dwelling definition, whereas the By-law does not permit a secondary kitchen;
- d) **By-law 2008-21:**  
the sum of both sides yards to be 8.35 metres, whereas the By-law requires 9 metres;
- e) **By-law 304-87, Section 7.5 (b):**  
a side yard setback of 2.378 metres, whereas the By-law requires 3 metres;
- f) **Parking By-law 28-97, Section 6.2.4:**  
a driveway width of 18 metres roundabout, whereas the By-law permits a driveway width of 6.1 metres;

as it related to a proposed two-storey detached dwelling on a ravine lot.

The Acting Chair introduced the application.

The agent, Sam Spagnuolo, appeared on behalf of the application and explained that the various constraints of the pie-shaped ravine lot had influenced the siting of the design.

Member Gutfreund noted that the proposal was appropriate for an estate lot and met the four tests of the *Planning Act*.

Member Prasad agreed with their colleague, indicating that site conditions and the slope of the property contributed to the need for the variances.

Member Prasad motioned for approval with conditions.

**Moved By: Arun Prasad**

**Seconded By: Tom Gutfreund**

The Committee unanimously approved the application.

THAT Application No. **A/215/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

**Moved by: Tom Gutfreund**

**Seconded by: Patrick Sampson**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:10 pm, and the next regular meeting would be held on February 15, 2023.

CARRIED

Original signed  
February 15, 2023

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

Original signed  
February 15, 2023

\_\_\_\_\_  
Chair  
Committee of Adjustment