



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

**July 26, 2023**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 13<sup>th</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

Tom Gutfreund, Acting Chair	7:00 pm
Jeamie Reingold	7:00 pm
Patrick Sampson	7:00 pm
Arun Prasad	7:00 pm

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Vrinda Bhardwaj, Development Technician

**Regrets**

Gregory Knight Chair  
Sally Yan  
Kelvin Kwok

**DISCLOSURE OF INTEREST**

None

**Minutes: July 12, 2023**

THAT the minutes of Meeting No. 12, of the City of Markham Committee of Adjustment, held July 12, 2023 respectively, be:

- a) Approved on July 26, 2023.

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

**Carried**

## **REQUESTS FOR DEFERRAL**

### **1. A/106/23**

**Owner Name: Darryl Simmons**  
**Agent Name: Scott Rushlow Associates Ltd. (Mr. Scott Rushlow)**  
**86 John Street, Thornhill**  
**CON 1 PT LOT 30**

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

- a) **Amending By-law 101-90, Section 1.2 (iv):**  
a building depth of 35.09 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**  
a rear yard setback of 6 feet, whereas the By-law requires a minimum rear yard setback of 30 feet.

as it related to a proposed coach house with a one-storey breezeway connection to the main dwelling.

The Acting Chair introduced the application.

Member Sampson motioned for deferral.

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

THAT Application No. **A/106/23** be **deferred** sine die.

Resolution Carried

### **2. A/116/23**

**Owner Name:**  
**Agent Name: Lifestyle Home Products (Andrijana Adamovic)**  
**370 Main Street, Markham**  
**CON 7 PT LOT 15 64R6094 PT 2**

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

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

a maximum building depth of 22.4 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

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

a maximum net floor area ratio of 67.15 percent, whereas the By-law permits a maximum net floor area of 45 percent;

**c) Table 11.1:**

a minimum rear yard setback of 14.83 feet, whereas the By-law requires a minimum rear yard setback of 25 feet; and

**d) Table 11.1:**

a maximum lot coverage of 38.01 percent, whereas the By-law permits a maximum lot coverage of 35 percent.

as it related to the construction of a proposed unheated sunroom addition to an existing house.

The Acting Chair introduced the application.

Syed Ahemed, the applicant attended the meeting and requested deferral.

Member Sampson motioned for deferral.

**Moved By: Patrick Sampson**

**Seconded By: Arun Prasad**

THAT Application No. **A/116/23** be **deferred** sine die.

Resolution Carried

**PREVIOUS BUSINESS**

**3. A/110/22**

**Owner Name: Kevin Cribari**

**Agent Name: Joseph N. Campitelli Architect Inc. (Joseph Campitelli)**

**19 Grenfell Crescent, Markham**

**PLAN 4949 LOT 74**

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

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

a maximum lot coverage of 38.3 percent, whereas the Zoning By-law allows a maximum lot coverage of 35 percent;

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

a maximum floor area ratio of 50.0 percent, whereas the Zoning By-law permits a maximum floor area ratio of 45 percent;

**c) Amending By-law 99-90, Section 1.2 (ii):**

a maximum depth of 21.01 metres, whereas the Zoning By-law permits a maximum depth of 16.80 metres; and

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

The Acting Chair introduced the application.

The agent, Joseph Campitelli and the owner Kevin Cribari appeared on behalf of the application. Kevin Cribari agreed with the recommendations of the staff report indicating they had made significant changes to the overall design. The changes had allowed for the elimination of variances and the reduction of others, including the Committee's request to reduce the floor area ratio. The design had considered the neighbourhood's character and was appropriate development for the property.

The Committee received one piece of written correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee. Elizabeth expressed concern regarding the unfinished attic space, tree preservation, the size and encroachment of the accessory building, massing and floor area ratio.

Kevin Cribari indicated that the tree to be removed was at the end of its life cycle and clarified that the open attic space above the garage would be used for storage.

Member Sampson expressed concern that the purpose-built storage above the garage added to the massing.

Member Reingold agreed that the changes were reasonable and met the recommendations of the Committee. Member Reingold supported the application indicating it was appropriate and would suit the neighbourhood.

Member Prasad commented that the applicant had considered the Committee's previous comments in their revisions and had reduced the floor area ratio to a percentage the Committee could support.

Member Gutfreund thanked the applicant for making changes according to the recommendations of the Committee and indicated that the application was of good

design, met the applicant's needs and would be an admirable addition to the neighbourhood.

Member Prasad motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/110/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**4. A/172/22**

**Owner Name: Arash Farrokhkish**  
**Agent Name: PMP Design Inc. (Mehran Heydari)**  
**55 Clark Avenue, Thornhill**  
**PLAN 2426 LOT 30**

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

- a) **By-law 101-90, Section 1.2 (i):**  
a maximum building height of 8.6 metres (28.2 feet), whereas the By-law permits a maximum building height of 8.0 metres (26.2 feet);
- b) **By-law 101-90, Section 1.2 (vii):**  
a maximum floor area ratio of 54.8 percent (3,496 sq. feet.), whereas the By-law permits a maximum floor area ratio of 50 percent (3,188 sq. feet);
- c) **By-law 2237, Section 6.1:**  
a side yard setback of 1.52 m (5 feet) for the 2nd storey portion of the dwelling, whereas the By-law requires a minimum side yard setback of 1.8 m (6 feet) for the 2nd storey portion of the dwelling;
- d) **By-law 2237, Section 3.7:**  
a 2nd floor roof eave encroachment of 30 inches, whereas the By-law permits a maximum roof eave encroachment of 18 inches into the required side yard;

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

The Chair introduced the application.

The agent, Mehran Heydari, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Diana Moser, 53 Clark Avenue, spoke to the Committee regarding the windows facing their property.

Mehran Heydari indicated that all of the proposed windows met the building code; however, they would try to mitigate, where possible, any privacy issues.

Joan Honsberger, of 60 Elgin Street, spoke to the Committee representing Ward 1 homeowners and indicated that the applicant's explanation regarding the eave variance was helpful and asked for clarification regarding tree protection for the site.

Mehran Heydari explained the tree protection and removal permissions obtained for the property.

Member Sampson was still somewhat concerned about massing, noting that the design was boxy and continued to have considerable open-to-below space.

Acting Chair Gutfreund noted that the property was a sizeable lot, and the requests were reasonable and suitable for the development of the property.

Member Prasad expressed that applicant had met the Committee's requests and supported the application.

Member Reingold indicated support for the application but lost connection to the meeting before the vote.

Member Prasad motioned for approval with conditions.

Acting Chair Gutfreund voted on the application.

**Moved By: Arun Prasad**

**Seconded By: Patrick Sampson**

**Absent: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application No. **A/172/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**5. A/223/22**

**Owner Name: Jaspreet Sing Marwah**  
**Agent Name: Cantam Group Ltd. (Yaso Somalingam)**  
**78 Wootten Way, Markham**  
**PLAN M1448 LOT 266**

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

- a) **Amending By-law 99-90, Section 1.2 (vi):**  
a maximum floor area ratio of 49.95 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) **Amending By-law 99-90, Section 1.2 (i):**  
a maximum height of 10.09 metres, whereas the By-law permits a maximum height of 9.80 metres;

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

The Chair introduced the application.

The agent, Yaso Somalingam, appeared on behalf of the application, gave a brief presentation regarding the changes made since the previous meeting, and provided examples of newly built infill properties within the neighbourhood.

The Committee received seven written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee. Elizabeth expressed concern regarding the massing and height. Elizabeth expressed that the two-storey porch and the two-storey windows emphasized the height, open-to-below spaces had not been reduced, and no attempts had been made to lessen the massing to make it relate to the neighbourhood.

The owner Jaz Marwah spoke regarding the family's desire to build a custom home to provide space and safety for extended family. Jaz had contacted immediate neighbours for due diligence and had submitted six letters of support from the surrounding properties.

Member Prasad expressed that the applicant had heeded the Committee's recommendations, and the design was appropriate for the area's character and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/223/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

**6. A/094/23**

**Owner Name: Armadale Property Management (Peter Sestito)**  
**Agent Name: Malone Given Parsons Ltd. (Elyse Holwell)**  
**100 Renfrew Drive, Markham**  
**PLAN 65M2355 PT LOTS 1,2,3,4 65R11319 PT 1**

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

- a) **By-Law 165-80, Section 6.4.1:**  
a respite hotel, whereas the By-law does not permit this use;
- b) **By-law 165-80, Section 6.4.1(a):**  
a health care centre for older adults with Alzheimer's and related disabilities, whereas the By-law does not permit this use;

as it related to a proposed health care centre.

The Chair introduced the application.

The agent, Matthew Corey, appeared on behalf of the application. Matthew indicated that the use had been before Committee on four previous occasions. The use was of great benefit to the community, and due to demand, there was a need to expand, and the expansion would not conflict with or cause detriment to the surrounding businesses. Matthew expressed that it was good planning, met the four tests of the *Planning Act*, and aligned with the area's zoning.

Member Reingold supported the application noting that the surrounding business community supported the expansion. Member Reingold noted the need within the community for the service and did not see adverse impacts related to the expansion.

The Acting Chair requested clarification from the agent regarding how the application met the test of being minor in nature.



Matthew Corey explained that the issue of the use being minor should be considered something other than a quantum evaluation. The total increase of 800 sq. metres would occupy 20 percent of the building. The area had a vacancy rate of office space that would remain unoccupied without expanding the use, and there was a surplus of parking on the property. The applicant was also seeking to have the use permanently permitted as part of the proposed Comprehensive By-law.

The Acting Chair had no objection to adding the nine units but believed that respite use was best addressed by Council through the Comprehensive Zoning by-law.

Member Sampson supported the application and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/094/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**7. A/117/23**

**Owner Name: Buddhist Prajna Temple (Xu Zhao)**  
**Agent Name: Laxman Patel Architect (Laxman Patel)**  
**313 Main Street, Markham**  
**CON 8 PT LOT 14 65R10199 PT 2**

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

- a) **By-law 1229, Section 6.1:**  
an expansion of a legally non-conforming use (place of worship), whereas a Residential Use is the sole use permitted;

as it related to the planned extension of a legal non-conforming place of worship.

The Chair introduced the application.

The agent, Laxman Patel, appeared on behalf of the application.

Member Prasad agreed with recommendations of the staff report and Heritage Committee and motioned for approval with conditions.

**Moved By: Arun Prasad**

**Seconded By: Patrick Sampson**

The Committee unanimously approved the application.

THAT Application No. **A/117/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

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

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:37 pm, and the next regular meeting would be held on August 16, 2023.

CARRIED

Original Signed, August 16, 2023

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Secretary-Treasurer  
Committee of Adjustment

Original Signed, August 16, 2023

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Acting Chair  
Committee of Adjustment