



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

**November 29, 2023**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 21<sup>st</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	7:00 pm
Jeannie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm
Kelvin Kwok	7:05 pm

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Erin O'Sullivan, Development Technician

**Regrets**

Greg Knight  
Arun Prasad

**DISCLOSURE OF INTEREST**

None

**Minutes: November 15, 2023**

THAT the minutes of Meeting No. 20, of the City of Markham Committee of Adjustment, held, 2023 respectively, be:

- a) Approved on November 29, 2023.

**Moved by: Jeannie Reingold**  
**Seconded by: Sally Yan**

**Carried**

**NEW BUSINESS:**

**1. A/067/22**

**Owner Name: Hamidreza Homayounisarvestani  
Agent Name: In Roads Consultants (Ida Evangelista)  
6 Marie Court, Thornhill  
PLAN 8262 LOT 3**

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

- a) **Deck By-law 142-95, Section 2.2 (b)(i):**  
a maximum deck projection of 4.30 metres, whereas the by-law permits a maximum deck projection of 3.0 metres; and
- b) **Deck By-law 142-95, Section 2.2 (b)(ii):**  
a minimum rear yard setback of 2.10 metres, whereas the by-law requires a minimum rear yard setback of 3.0 metres;

as it related to a proposed deck extension.

The Chair introduced the application.

The agent, Ida Evangelista, appeared on behalf of the application.

Joan Honsberger, representing the Ward One Residents Association, asked for bird-friendly decals to be added to the glass on the deck.

Member Reingold supported the application, expressing that the construction was integrated into the existing deck, would not adversely impact the neighbours, and would enhance the owners living conditions.

Member Sampson requested clarification regarding the rooftop deck. Ida Evangelista indicated no zoning deficiencies had been identified for the rooftop deck in the zoning review.

Member Reingold motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/067/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. **A/179/23**

**Owner Name: Anjan Guttahalli**  
**Agent Name: Noble Prime Solutions Ltd (Jivtesh Bhaila)**  
**31 Saltspring Drive, Markham**

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

- a) **By-law 177-96, Section 6.6.3 (a) (i):**  
stairs and a landing to encroach 3.42 metres into the rear yard, whereas the by-law only permits an encroachment of 2 metres;

as it related to a rear yard below grade entrance for a proposed secondary dwelling unit.

The Chair introduced the application.

The agent, Tanvir Rai, appeared on behalf of the application.

Member Kwok requested clarification regarding the proposed location of the stairs. The applicant indicated that the stairs from the first floor were positioned to accommodate the first-floor deck and stairs.

Member Sampson supported the application, indicating it was similar to other applications for basement entrances approved by the Committee, and the impact on neighbours would be limited as the stairway was located in the rear yard.

Member Sampson motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/179/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**3. A/183/23**

**Owner Name: Afeez Sanini**  
**Agent Name: AEM Designs (Ravinder Singh)**  
**172 Billingsley Crescent, Markham**  
**PLAN 65M3530 PART BLOCK 76**

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

- a) By-law 90-81, Section 4.6 (a):**  
an encroachment of 1.17 metres for a below-grade entrance, whereas the by-law permits a maximum encroachment of 0.45 metres;
- b) By-law 28-97, Section 6.2.4.2 (b):**  
~~a driveway width of 6.52 metres, whereas the by-law permits a driveway width of 5.0 metres; and~~ **DENIED**
- c) By-law 28-97, Section 6.2.4.2 (b)(i):**  
~~a minimum of 0 percent soft landscaping, whereas the by-law permits a minimum of 25 percent soft landscaping in the front or exterior side yard in which the driveway is located;~~ **DENIED**

as it related to a rear yard below-grade entrance to a proposed basement unit.

The Chair introduced the application.

The agent, Ravinder Singh, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Reingold supported variance **a)** but did not support variance **b)** and **c)** agreeing with the staff report, indicating that the combination of the widening and absence of landscaping did not meet the intent of the by-law and was not minor.

Member Sampson indicated multiple examples of similar driveway widening that could be seen on the street and across the city and had yet to be enforced.

Member Yan supported variance **a)** but did not support variances **b)** and **c)** as they would significantly impact a streetscape with small lots and frontages.

The Acting Chair supported variance **a)** but did not support variances **b)** and **c)**, indicating they did not maintain the intent of the by-law to balance the driveway and landscaping to meet urban design criteria, city-wide environmental measures and public safety. Variances **b)** and **c)** were not desirable as they would significantly alter the streetscape and character of the community and should not be

deemed acceptable based on similar lot conditions on other properties that did not comply with the by-law.

Member Kwok agreed with their colleagues and motioned for approval of variance **a)** and denial of variances **b)** and **c)**.

**Moved by: Kelvin Kwok**  
**Seconded by: Jeamie Reingold**

The Committee unanimously partially approved the application.

THAT Application No. **A/183/23** be **partially approved** subject to conditions contained in the staff report.

Resolution Carried

**4. A/188/23**

**Owner Name: Bettina Khouri and Daniel Smyth**  
**Agent Name: Gregory Design Group (Shane Gregory)**  
**104 Ramona Boulevard, Markham**  
**PLAN 9143 LOT 116**

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 49.75 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;
- b) By-law 1229, Section Table 11.1:**  
a side yard setback of 1.28 metres to a second storey, whereas the by-law requires a minimum 1.83 metre side yard setback to a second storey;

as it related to a proposed second storey addition.

The Chair introduced the application.

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

The Committee received two written pieces of correspondence.

The Acting Chair thanked the applicant for presenting an application within the numbers generally approved by the Committee.

Member Yan supported the application, expressing it was a good example of infill development of an addition to an existing house with the required variances relating to limitations created by the existing floor plan.

Member Reingold supported the application, noting the compatibility of the proposed addition with the existing home and neighbourhood, and motioned for approval with conditions.

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

The Committee unanimously approved the application.

THAT Application No. **A/188/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**5. A/148/23**

**Owner Name: Meimei Yu**  
**Agent Name: Markham Drafting & Design (Dongshan Cui)**  
**58 Bendamere Crescent, Markham**  
**PLAN 65M2312 PT LOT 38 RS65R9342 PART 5**

The applicant was requesting relief from the requirements of By-law 153-80, as amended, to permit:

- a) **By-law 142-95, Section 2.1 (a)(iii):**  
a deck to be located above the ground floor, whereas the by-law requires a deck to be located at or below the level of the ground floor; and
- b) **By-law 142-95, Section 2.3 (a):**  
steps to be located off the second floor, whereas the by-law does not permit steps to be at an elevation higher than the ground floor;

as it related to a proposed deck.

The Chair introduced the application.

The agent, Dongshan Cui, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, agreed with the staff report and

commented that approval would set a precedent that would negatively impact the neighbourhood unless there were extenuating circumstances.

Stuart Campbell, a resident of Bendamere Crescent, opposed the application, noting that the properties and houses were smaller and that second-storey decks created overlook and privacy concerns for adjacent properties. Additionally, Stuart indicated concern regarding setting a precedent for this type of development.

The owner, Meimei Yu, explained that the window and wall below had been damaged, and during the course of repair, they had replaced the window with a sliding door and built a deck from the second floor to provide outdoor amenity space.

Member Sampson agreed with the staff assessment, noting the small lots without buffering vegetation, and considered the impacts of loss and privacy and overlook to neighbouring properties to be significant and undesirable.

Member Yan expressed concerns that the construction had been completed without the benefits of a permit and that there could be safety concerns related to the deck's construction. Additionally, Member Yan indicated that the request did not meet the intent of the zoning by-law, and there are no site constraints or circumstances that would justify approving the application.

The Acting Chair agreed with their colleagues' comments. They noted that the application did not reflect or respect the lot patterns and character of the area, which did not present limiting or restricting conditions and, as such, failed to meet the intent of the Official Plan. Additionally, the request failed to meet the intent of the by-law to restrict access and amenity structures associated with the second storey of dwellings. The structure had adverse impacts on adjacent properties related to overlook, privacy, noise, and imposing sightlines due to the height and lack of buffering vegetation, which resulted in the structure being neither desirable nor appropriate for the development of the lot. The requested variances were not minor, and both neighbours and the resident's association raised objections.

Dongshan Cui, the applicant, requested consideration from the Committee as the owners didn't know the by-law requirements and the deck existed.

Member Sampson motioned for denial in agreement with the staff report.

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

The Committee unanimously approved the application.

THAT Application No. **A/148/23** be **denied**.

Resolution Carried

**6. A/166/23**

**Owner Name: 10 - 20 Fincham Inc. (Eugene Kim)**  
**Agent Name: Stefan Balakji**  
**10 and 20 Fincham Avenue, Markham**  
**PLAN M1908 BLK 20 PLAN 65M2436 BLK 50**

The applicant was requesting relief from the requirements of By-law 163-78, as amended, to permit:

- a) **By-law 28-97, Section 3.9, Table B:**  
a minimum of 51 parking spaces, whereas the by-law requires a minimum of 62 parking spaces; and
- b) **By-law 61-92, Section 1.2.3:**  
a day care and/or child care facility, whereas the by-law does not permit this use;

as it related to a proposed child care facility.

The Chair introduced the application.

The agent, Adam Layton, appeared on behalf of the application. Adam presented the application details, noting that they were cognisant of the traffic and parking issues related to the school across the road. Adam indicated that the peak hours for pick up and drop off of the daycare differed from those of the high school.

The Committee received three written pieces of correspondence.

Christian Rogge, an adjacent property owner, spoke to the Committee. Christian advised the Committee that they had contacted the applicant and expressed their concerns directly. Christian indicated that the area had long-standing traffic congestion issues in the morning and afternoons related to drop-offs and pick-ups for the school across the street. The plaza additionally had ongoing parking and tenancy concerns.

Adam Layton responded that the parking justification study had been conducted and showed that there would be a parking surplus on the property. Additionally, the tenant intended to create a traffic management plan for the property during peak drop-off and pick-up periods.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, voiced the area residents' concerns regarding traffic congestion and on-site parking. Elizabeth highlighted the numbers detailed in the traffic impact study regarding the left-hand turn lane on Fincham Drive.

Member Sampson appreciated the proposed use as beneficial to the community and the plaza and questioned the proposed length of use of the daycare for the site as



previous development proposals had been put forward. Member Sampson emphasized the traffic congestion at the Fincham Drive and 16th Avenue intersection and expressed concern that the daycare use would exacerbate the situation.

Member Reingold expressed that the use was appropriate as daycare was in demand in Markham; the daycare was in the heart of a family-oriented residential community, with low privacy and noise impacts for adjacent neighbours. The member's opinion was that while the parking may not be ideal, parents would regulate the best drop-off and pick-up times.

Member Yan requested further clarification on how the parking plan met the policies of the Official Plan. Member Yan noted that the use was appropriate and desirable for the property and would meet neighbourhood needs as well as the needs of the owner to have a long-term stable occupant in the plaza. Member Yan also indicated that staff had reviewed and approved the traffic impact study and that ongoing traffic issues were a staff concern.

Member Kwok questioned how adding a use that would increase traffic and parking would benefit an already congested area.

The Acting Chair noted that daycare was essential to the community. The applicant had implemented safety measures for the play area and teacher parking and would develop an appropriate pick-up and drop-off schedule. City staff had reviewed and approved the traffic study.

Member Reingold motioned for approval with conditions.

**Moved by: Jeamie Reingold**

**Seconded by: Sally Yan**

**Against: Patrick Sampson and Kelvin Kwok**

**Acting Chair voted for approval to break the tie vote.**

The Committee unanimously approved the application.

THAT Application No. **A/166/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**7. A/170/23**

**Owner Name: 7545 Yonge Street Ltd. (Maryam Nikzadfar)**

**Agent Name: Bicorp Design Group Ltd. (Duro Bicanic)**

**7545 Yonge Street, Thornhill**

**PLAN 8 PART LOTS 1-3**

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

- a) **By-law 2237, Section 7.3.2:**  
a side yard setback abutting a street of 6.5 feet, whereas the by-law requires a 15 feet side yard setback for a side lot line abutting a street;
- b) **By-law 2237, Section 7.3.4:**  
a Yonge Street centre line setback of 65.85 feet, whereas the by-law requires a Yonge Street centre line setback of 127.79 feet;
- c) **By-law 2237, Section 8.6.2:**  
a minimum lot depth of 127.79 feet, whereas the by-law requires a minimum lot depth of 200 feet; and
- d) **By-law 2237, Section 8.6.1:**  
a minimum lot frontage of 101.41 feet, whereas the by-law requires a minimum lot frontage of 200 feet;

as it related to demolishing an existing one-storey car rental building and replacing it with a one-storey car wash. This application was related to Site Plan Control (SPC 22 245693).

The Chair introduced the application.

The agent, Andy Bicanic, appeared on behalf of the application. Andy noted that the current site needed revitalization, and they had taken staff recommendations to improve the streetscape and meet urban design recommendations, dark sky and bird-friendly requirements, and ensure all operations would be within noise compliance standards.

The Committee received four written pieces of correspondence.

Anton Kovalenko, a resident of Elgin Street, spoke to the Committee against the project. Anton expressed concern that the entrance and exit would be located on Elgin Street and could create traffic issues, additional traffic load at the corner, and block the entrance to the adjacent Condominium.

Joan Honsberger, representing the Ward One Residents Association and Elgin Street residents, expressed that residents saw the proposal to enhance the landscaping as desirable. Joan expressed concern that traffic issues, pedestrian safety, and environmental protection needed to be clearly presented to the community. Joan indicated that the proposal should be deferred to allow further consideration of community concerns.

Andy Bicanic indicated that the proposal was in the third round of comments for site plan control and noted that a transportation study had been conducted and approved by City staff, and the reduced setbacks had been recommended by Urban Design staff to animate the Yonge Street interface.

Duro Bicanic indicated that TRCA was satisfied with the proposal and all aspects of water disposal and flooding had been reviewed. All environmental considerations and legislation had been met, including using biodegradable detergents and noise and idling mitigation.

Evelin Ellison agreed with the other residents' concerns and expressed gratitude that the dark sky compliance measures had been applied. Duro Bicanic expressed how car wash operations were regulated in Ontario to address Evelin's concerns.

The Acting Chair expressed that a car wash would be a good use of the property, and the applicants had adequately addressed concerns regarding traffic, environmental protections, times of use and pedestrian safety.

Member Yan requested clarification regarding the Official Plan designation. Member Yan supported the application, indicating it was an appropriate and permitted use and the requests were minor.

Member Yan motioned for approval with conditions.

**Moved by: Sally Yan**  
**Seconded by: Kelvin Kwok**

The Committee unanimously approved the application.

THAT Application No. **A/170/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

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

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:22 pm, and the next regular meeting would be held on December 13, 2023.

CARRIED

Original Signed  
December 13, 2023  
Secretary-Treasurer  
Committee of Adjustment

Original Signed  
December 13, 2023  
Chair  
Committee of Adjustment