



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

**April 20, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 7<sup>th</sup> regular meeting of the Committee of Adjustment for the year 2022 was held at the time and virtual space above with the following people present:

	<u>Arrival Time</u>
Gregory Knight, Chair	7:00 pm
Tom Gutfreund	7:00 PM
Jeamie Reingold	7:00 PM
Patrick Sampson	7:00 PM

Hussnain Mohammad, Acting Secretary-Treasurer  
Bradley Roberts, Manager, Zoning and Special Projects  
Dinal Manawadu, Development Technician, Zoning and Special Projects

***Regrets***

Arun Prasad  
Sally Yan  
Kelvin Kwok

**DISCLOSURE OF INTEREST**

None

**Minutes: April 6, 2022**

THAT the minutes of Meeting No. 06 of the City of Markham Committee of Adjustment, held April 6, 2022, respectively, be

- a) Approved as submitted, on April 20, 2022

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

Carried

**PREVIOUS BUSINESS**

**1. A/174/21**

**Owner Name: XING LIN  
Agent Name: LHW Engineering (Lihang Wang)  
15 Karen Miles Crescent, Markham  
PLAN 65M2470 PT BLK 93 RS65R11396 PARTS 3, 4 & 5**

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

- a) **By-law 90-81, Section 5.2.6:**  
a door providing access to the interior of a dwelling to be located 0.60 m from the interior side lot line, whereas the By-law requires that a door providing access to the interior of a street townhouse dwelling to be located a minimum of 1.20 m from the interior side lot line;

as it relates to a proposed side yard door to access the basement. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Mohammad Firouzi, appeared on behalf of the application.

The owner, Xing Lin (Cindy), stated that she had reached out to immediate neighbours and they have no concerns with regard to the door providing access.

Committee member Tom Gutfreund asked about the consistency and safety in these kinds of situations, where the current owner states they will not erect a fence, however comments this is not binding where a future owner could create a fence. Not all homes are ideal to accommodate an entrance to the basement, and states that this application does not meet the four tests, and opposes the application.

Committee member Jeamie Reingold states nothing has changed and could result in legal concerns where not every home is suitable for a side door entrance.

Committee member Patrick Sampson agrees with Committee members Tom Gutfreund and Jeamie Reingold and their comments.

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

THAT Application No **A/174/21** be **refused**.

Resolution Carried

**2. A/182/21**

**Owner Name: Elly Verdi**  
**Agent Name: EPL Construction (John Nassr)**  
**19 Talisman Crescent, Markham**  
**PLAN 4877 LOT 41**

The applicant is 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 49.90 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;
- as it relates to a proposed detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, John Nassr, appeared on behalf of the application.

Micke Elsenar of 20 Talisman Crescent, states that the agent has proposed a gradual increase from 47.2 percent in floor area to 50.7 percent, to a now reduced 49.90 percent, and has concerns that the change is not minor in nature.

Manager of Zoning & Special Projects Brad Roberts showed the Site Plan and the requested variances.

The agent, John Nassr, expands on the proposal and the requested variances.

Elizabeth Brown of 65 Lincoln Green Drive, presents the history of the project and states the applicant to complete the project promptly with the least amount of impact to the neighbourhood.

Committee member Tom Gutfreund understands that this is a unique structure and respects the changes over time. States that the applicant has made efforts to make a reduction to the GFA, and supports this application.

Committee member Jeamie Reingold, states that the visual massing is not respectful to the existing built form, and questions if the front elevation can be adjusted to reflect the neighbourhood.

The agent, John Nassr, states that the engineering side takes precedent as it is a “high” performance house as the walls and roof line have been engineered specifically to be a Zero Carbon Home and therefore adjustments cannot be made.

Committee member Tom Gutfreund motions for approval with conditions.

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

THAT Application No **A/182/21** be approved subject to conditions contained in the staff report.

Resolution Carried

**NEW BUSINESS:**

**1. A/198/21**

**Owner Name: Sylvia Pinto**  
**Agent Name: Epic Designs Inc. (Marco Vieira)**  
**142 Riverlands Avenue, Markham**  
**PLAN 65M3236 BLOCK 35**

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

- a) **By-law 177-96, Section 7.5.2 (a):**  
a minimum setback of 0 metres from the interior side lot line, whereas the By-law only permits a minimum setback of 0 metres where a private garage shares a common wall with another private garage;
- b) **By-law 177-96, Section 7.5.2 (b):**  
a maximum of 6 private garages on abutting lots to share common walls or common roofs, whereas the By-law permits a maximum of 4 private garages to share common walls.

as it relates to the legalization and extension of existing carport. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent, Marco Viera, appeared on behalf of the application.

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The agent Marco states he has letters of support from adjacent neighbours to legalize the extension and existing carport. States the application is minor in nature, and asks Committee to continue to use the property as built.

Committee member Jeamie Reingold asks what brought the applicant to Committee.

The agent, Marco, responds that a previous adjacent neighbor brought concerns, however the new neighbours have no concerns to the existing structure.

Committee member Jeamie Reingold asks for visuals to help visualize the existing carport and extension.

The agent, Marco, presents visuals and states the carport is not creating a negative impact.

Committee member Tom Gutfreund understands that the owner purchased this as it is, however questions the impact to the neighbours with zero setbacks and permitting up to a maximum of six vehicles for the carport. Also questions, and states the carport could detract from the character of the neighbourhood as this was not envisioned for the area, and agrees with Staff that the application does not meet the four tests. Committee member Tom Gutfreund does not support this application.

Manager of Zoning & Special Projects Brad Roberts states that this is common with the laneway housing in Cornell, however states that a building permit will be required for the existing carport in terms of how it was constructed to ensure it complies with the Building Code.

Committee member Patrick Sampson, states he has sympathy for the owner who purchased this property with these conditions and agrees with Committee members Tom Gutfreund and Jeamie Reingold.

**Moved By:** Tom Gutfreund

**Seconded By:** Patrick Sampson

THAT Application No **A/198/21** be **refused**.

Resolution Carried

**2. B/004/21**

**Owner Name: Leslie Benczik**

**Agent Name: Malone Given Parsons Ltd (Elyse Holwell)**

**118 and 120 Main Street North, Markham**

**PLAN 18 PT LOT 4 BLK N**

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land (118 Main Street North) with an approximate lot frontage of 7.52 metres (24.67 feet) and an approximate lot area of 0.04 hectares (0.1 acres); and
- b) retain a parcel of land (120 Main Street North) with an approximate lot frontage of 7.34 metres (24.08 feet) and an approximate lot area of 0.05 hectares (0.13 acres).

The purpose of this application is to re-establish the pre-existing lot line between 118 Main Street North and 120 Main Street North. This application is related to minor variance applications A/204/21. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Elyse Holwell, appeared on behalf of the application.

The agent, Elyse Holwell, states the application is to re-establish pre-existing lot lines, and the function of the properties will remain the same. However, this allows the owner flexibility to sell off one of the lots. Requests approval subject to the conditions outlined on the Staff Report and Appendix A.

Committee member Patrick Sampson, states it is technical in nature and supports the application.

**Moved By:** Patrick Sampson

**Seconded By:** Tom Gutfreund

THAT Application No **B/004/21** be approved subject to conditions contained in the staff report.

Resolution Carried

**3. A/204/21**

**Owner Name: Leslie Benczik**

**Agent Name: Malone Given Parsons Ltd (Elyse Holwell)**

**118 and 120 Main Street North, Markham**

**PLAN 18 PT LOT 3 & 4 BLK N**

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

- a) **Section 11.1:**  
a front yard setback of 0.59 feet, whereas the By-law requires a front yard setback of 10 feet;

as it relates to an existing condition for a lot that has merged on title. This application is related to Consent application B/004/21. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent, Elyse Holwell, appeared on behalf of the application.

**Moved By:** Patrick Sampson

**Seconded By:** Jeamie Reingold

THAT Application No **A/204/21** be approved subject to conditions contained in the staff report.

Resolution Carried

**4. A/008/22**

**Owner Name: Mr. Zlatko Trifunovski**  
**Agent Name: SHDESIGN (Randa Zabaneh)**  
**21 Pomander Road, Markham**  
**PLAN M1368 LOT 45**

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

- a) **Section 6:**  
a front yard setback of 20 feet 0.5 inches (6.1 metres), whereas the By-law requires a minimum front yard setback of 27 feet;
- b) **Section 6:**  
a maximum lot coverage of 40.73 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6:**  
a maximum height of 27 feet 7.5 inches (8.4 metres), whereas the By-law permits a maximum height of 25 feet;

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

The Secretary-Treasurer introduced the application.

The agent, Sam from SHDesign, appeared on behalf of the application.

Committee member, Jeamie Reingold understands that Pomander Street is one of two streets with the larger homes and with a generous lot that can support a roughly 4200 square foot home. States it is compatible with adjacent homes on Pomander Street, and supports the application with conditions.

Committee member, Patrick Sampson has no concerns with lot coverage issue and questions if the roof and dormer are only for a visual effect.

The agent, Sam from SHDesign, confirms that the roof and dormer are for a visual effect.

Committee member Patrick Sampson supports the application.

**Moved By:** Jeamie Reingold

**Seconded By:** Patrick Sampson

THAT Application No **A/008/22** be approved subject to conditions contained in the staff report.

Resolution Carried

**5. A/016/22**

**Owner Name: Chitra Pathmanathan**

**Agent Name: Varatha Design Associates (Ken Varatha)**

**1388 Castlemore Avenue, Markham**

**PLAN 65M4025 LOT 164**

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

- a) **By-law 28-97, Section 3.0 - Table A:**  
two parking spaces, whereas the By-law requires three parking spaces;
- b) **By-law 177-97, Section 6.5:**  
an accessory dwelling unit, whereas the By-law does not permit more than one dwelling unit on a lot;
- c) **By-law 177-96, Section 7.134.2 (a)(ii):**



an interior side yard setback of 0.127 metres, whereas the By-law requires a 0.3 metre with a minimum 1.2 metre separation between dwellings on abutting lots;

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

The Secretary-Treasurer introduced the application.

The agent, Ken Varatha, appeared on behalf of the application.

Inithini Haran of 1390 Castlemore Avenue, opposes this application and has concerns as the proposed entrance for the accessory dwelling unit is too close to the adjacent property.

Committee member, Tom Gutfreund, states that from the Staff report, engineering has concerns for drainage, and also states that the tampering to the swale will further cause concerns. Committee member Tom Gutfreund states that this application does not meet the four tests and does not support this application.

The agent, Ken presents and shows images of the subject property being the one without the concrete path.

Committee member Patrick Sampson, states that he supports engineering's comments with drainage concerns and questions how will the applicant address the additional parking space.

Manager of Zoning & Special Projects Brad Roberts, states that there is an understanding that the applicant has indicated the additional dwelling unit may be for family members who are elderly and who may not require a vehicle. Additionally, the Planning Act and by-laws are clear what is required and what can be requested which the current by-law states is one additional parking space. There would need to be coordination with the applicant and the tenant.

Committee member Tom Gutfreund states he does not believe that they can approve this application as there is opposition to the location of the entrance, and states a deferral may be the best option to address a different point of entry.

The agent, Ken states that if they have to, there may be options to place the entrance in the rear, however is unsure if there are required variances and questions if a deferral is the best option.

**Moved By:** Tom Gutfreund

**Seconded By:** Patrick Sampson

THAT Application No **A/016/22** be deferred sine die.

Resolution Carried

6. **A/022/22**

**Owner Name: Satinder Brar**  
**Agent Name: Four Seasons Sunrooms (Nour Elgendy)**  
**51 Coledale Road, Markham**  
**PLAN 65M2359 LOT 62**

The applicant is requesting relief from the requirements of By-law 118-79 as amended, to permit:

- a) **Section 7.2 (b):**  
a rear yard setback of 6.9 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres;
- b) **Section 7.2 (c):**  
a lot coverage of 36.9 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

as it relates to a proposed rear one-story sunroom addition. **(Central District, Ward 2)**

The Secretary-Treasurer introduced the application.

The agent, Nour Elgendy, appeared on behalf of the application.

Committee Member, Tom Gutfreund believes this application meets the four tests, is minor in nature and supports the application with conditions.

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

THAT Application No **A/022/22** be approved subject to conditions contained in the staff report.

Resolution Carried

**7. A/024/22**

**Owner Name: Shalini Habilan  
Agent Name: Ranjani Kalaeswaran  
308 Cornell Centre Boulevard, Markham  
PLAN 65M4406 LOT 15**

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

- a) **Section 7.190.1 (a)(ii):**  
a basement secondary dwelling unit, whereas the By-law permits only one dwelling unit on a lot;

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

The Secretary-Treasurer introduced the application.

The agent, Gopala Krishnan Kalaeswaran of 131 Golden Avenue, appeared on behalf of the application.

Committee Member, Patrick Sampson supports the application and motions for approval with conditions.

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

THAT Application No **A/024/22** be approved subject to conditions contained in the staff report.

Resolution Carried

**8. A/034/22**

**Owner Name: Janarthanan Arumaithurai  
Agent Name: Janarthanan Arumaithurai  
2 Reddington Road, Markham  
65M4619 LOT 122L 65R38036 PARTS 1 AND 2**

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

- a) **By-law 90-81, Section 4.6 (a):**  
a maximum encroachment of 1.27 meters into the flankage yard, whereas the By-law permits a maximum encroachment of 0.45 meters into any yards;
  - b) **By-law 90-81, Section 5.2.1:**  
an accessory dwelling unit, whereas the By-law permits only one dwelling unit;
  - c) **By-law 28-97, Section 3 (Table A Residential Use):**  
2 parking spaces, whereas the By-law requires 3 parking spaces;
- as it relates to a proposed basement apartment. **(East District, Ward 7)**

The Secretary-Treasurer introduced the application.

The agent, Janarthanan Arumaitthurai, appeared on behalf of the application.

Committee Member, Patrick Sampson questions if the applicant is proposing to widen the driveway.

The agent, Janarthanan responds the encroachment is for the entrance, specifically the City property line to the entrance line to the walkout basement as it relates to the parking requirements.

Committee Member, Patrick Sampson asks how the applicant will address parking concerns.

The agent, Janarthanan responds that in the long term, some parts of the green space at the front of the property will be converted to hardscape.

Committee Member, Jeannie, questions is the area visible from the street, as there may be privacy concerns to the basement entrance.

The agent, Janarthanan states that the area is fenced off and there are no privacy concerns from the street.

Committee Member Tom Gutfreund supports the application, however insists the applicant do some additional research when expanding the driveway in the future that encroaches onto the soft landscaping.

Manager of Zoning & Special Projects Brad Roberts, states there is a minimum front yard soft landscape requirement and can provide the applicant with the by-laws for more information regarding the applicable provisions.

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

THAT Application No **A/034/22** be approved subject to conditions contained in the staff report.

Resolution Carried

Adjournment

**Moved by:** Tom Gutfreund  
**Seconded by:** Jeannie Reingold

THAT the virtual meeting of the Committee of Adjustment be adjourned at 9:06 pm, and the next regular meeting will be held on May 4, 2022.

CARRIED

*Hussnain Mohammad*

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Acting Secretary-Treasurer  
Committee of Adjustment

*Greg Kroyt*

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Chair  
Committee of Adjustment