



**CITY OF MARKHAM**  
**101 Town Centre Boulevard**  
**Markham, Ontario**  
**Council Chambers**

**February 5, 2020**  
**7:00 p.m.**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 2<sup>nd</sup> regular meeting of the Committee of Adjustment for the year 2020 was held at the time and place above with the following people present:

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

Justin Leung, Secretary-Treasurer  
Bradley Roberts, Manager, Zoning and Special Projects  
Justin Mott, Development Technician

*Regrets*  
Arun Prasad

**Minutes: January 22, 2020**

THAT the minutes of Meeting No. 1 of the City of Markham Committee of Adjustment, held November 27, 2019, be

- a) Approved as submitted, on January 22, 2020

**Moved By: Tom Gutfreund**  
**Seconded By: Kelvin Kwok**

Carried

**DISCLOSURE OF INTEREST –**

None

**NEW BUSINESS:**

**1. A/16/19**

**Owner Name: FIRE-WORKS PROPERTY GROUP INC. (Yan Liu)**  
**Agent Name: Henry W Chiu Architect (Henry Chiu)**  
**107 Main St, Unionville**  
**PL 401 PART LOT 21 RS65R7710 PT 2**

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

**a) Amending By-law 122-72, Section 11.1:**

to permit a rear yard paved parking area solely for the commercial uses located on the 105 Main Street, whereas parking lot in residential zone is not permitted;

**b) Parking By-law 28-97, Section 6.2.4.4:**

to permit rear driveway, parking pad and parking area located at 0.61m from the adjoining lot line; 2.68m from the north lot line, and 5.5m from the rear lot line;

as it relates to an existing paved parking area located at the rear of 107 Main Street, which serves the patrons of the offices and services located at 105 Main Street.

This application is related to Minor Variance application A/151/19. **(Heritage District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent Henry Chiu appeared on behalf of the application. The use here has been in existence since 1985. This and minor variance A.151.19 are needed to legalize an existing condition. While planning staff oppose, he does not believe the proposal will have an adverse impact.

David Nesbitt, resident block west of Main Street Unionville, spoke in opposition to the application. Mr. Nesbitt states that he believes there are issues with the property as it is within a TRCA regulated area. At the previous Heritage Markham committee meeting, they had indicated they did not support this proposal. To allow this variance is to encourage commercial use here while it is a residential property.

Ronj Bahaj, spoke in support of the application, stated that this variance is necessary as they need this parking to support their business operation.

Christine Berger-Free spoke in opposition to the application, indicated that the use is still illegal even though it has been in existence for prolonged period of time. Increased commercialization here is not appropriate.

Committee member Tom Gutfreund indicated he does not support the proposal and for commercial use at this location.

Committee member Jeannie Reingold stated that she also had concerns with natural heritage.

Committee member Sally Yan raised concerns about potential precedent.

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

THAT Application No. A/16/19 be refused.

Resolution Carried

**2. A/151/19**

**Owner Name: FIRE-WORKS PROPERTY GROUP INC. (Yan Liu)**  
**Agent Name: Henry W Chiu Architect (Henry Chiu)**  
**105 Main St, Unionville**  
**PL 401 LT 22 TO 23**

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

**a) Amending By-law 404-85, Schedule A:**

to permit 21 parking spaces, whereas Schedule A requires 23 parking spaces to be located on-site as it relates to total net floor area of 826sqm for the permitted use;

as it relates to an existing adjoining paved parking area located at the rear of 105 and 107 Main Street.

This file is also related to a minor variance application at 107 Main Street (A/16/19).  
**(Heritage District, Ward 3)**

The Secretary-Treasurer introduced the application.

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

THAT Application No. A/151/19 be refused.

Resolution Carried

**3. A/153/19**

**Owner Name: Amit Bhan**  
**Agent Name: Imperium Engineering Inc. (Jagandeep Sandhu)**  
**15 Almira Ave, Markham**  
**PLAN 65M3295 LOT 51**

The applicant is requesting relief from the requirements of By-law 77-96 as amended to permit:

**a) Section 7.5.3 (c):**

one (1) accessory basement dwelling unit, whereas the By-law does not permit the accessory dwelling unit to be located within the main building on the lot;

**b) Parking By-law 28-97 as amended, Section 3.0, Table A (G):**

zero (0) additional parking spaces for the accessory basement dwelling unit, whereas the By-law requires one (1) additional parking spaces per accessory dwelling unit;

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

The Secretary-Treasurer introduced the application.

The agent Jagandeep Sandhu appeared on behalf of the application. The proposal is consistent with provincial policies to provide affordable housing.

Committee member Tom Gutfreund asked if owner currently lives at property. He also raised concerns that there is variance request for no parking allocation. However, there could be public transit.

Mr. Sandhu responded they do not.

Committee member Kelvin Kwok asked about the parking situation.

Mr. Sandhu stated they would restrict new tenant in terms of their car use.

**Moved By: Tom Gutfreund**  
**Seconded By: Kelvin Kwok**

THAT Application No. A/153/19 be approved subject to conditions contained in the staff report.

Resolution Carried

4. **A/154/19**

**Owner Name: Bo Wang**  
**Agent Name: Brutto Consulting (Claudio Brutto)**  
**11 Worsley Crt, Markham**  
**PL 7566 LT 174**

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

**a) Section 6, Schedule B:**

to permit a maximum height of 26 ft 11 in, whereas the By-law permits a maximum height of 25 ft;

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

The Secretary-Treasurer introduced the application.

The agent Claudio Brutto appeared on behalf of the application. The proposal is consistent with other in fill that has occurred in the area. They had spoken with the immediate neighbours who provided support for the proposal. TRCA has not raised concerns with the proposal.

Ian Free spoke in opposition that he believes the building height was calculated in error. The height is quite prominent.

Edward Anderson of 17 Worsley Court spoke in opposition. He believes there are flooding issues.

Christien Berger Free spoke in opposition of the application. The height would create an overbearing. Issues of privacy are pertinent here. She does not believe the Official Plan (OP) policies are being retained. There is mature vegetation on the site.

Committee member Jeannie Reingold asked about the height calculation.

Claudio Brutto responded he rely on City for technical assistance of such matters. The architect for the client further explained how they calculate height is from crown of road and that, while it appears there is inaccuracy in calculation, that is not true.

Committee member Patrick Sampson inquired about the TRCA and potential issues or impact on the design proposal.

Committee member Tom Gutfreund indicated he does not have issue with height. However, visual impact is evident here. He inquired if site plan approval could be a condition of approval.

Mr. Brutto responded that deck at the rear could be revised to address privacy.

The Secretary-Treasurer indicated that site plan process usually not provisioned for residential in fill.

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

THAT Application No. A/154/19 be deferred sine die.

Resolution Carried

**5. A/155/19**

**Owner Name: NEAMSBY INVESTMENTS INC C/O CEDARLAND PROPERTIES LTD**  
**Agent Name: Neamsby Investments Inc. (Remington Group Inc.)**  
**(Anthony Sotomayor)**  
**130 Old Kennedy Rd, Markham**  
**CON 5 PT LOT 1 65R5162 PTS 1 2 & 3**

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

**Block #1 Specific:**

**a) Amending By-law 2005-250, Section 7.283.2(c):**

a minimum exterior side yard of 0.92m, whereas the By-law requires a minimum of 1.8m;

**Blocks #2-4:**

**b) Section 5.1, Table B2(a):**

that the minimum lot frontage not apply;

**Site Wide:**

**c) Amending By-law 2005-250, Section 7.279 & 7.283:**

for the purpose of applying zone standards, the lands identified be deemed as one lot;

**d) Amending By-law 2005-250, Section 7.283.2(f):**

a minimum required landscaped open space of 16 percent, whereas the By-law requires a minimum of 25 percent;

**e) Section 6.5:**

a maximum of 26 number of dwelling units, whereas the by-law permits no more than one dwelling unit on a lot;

**f) Parking By-law 28-97, Section 3.0, Table A(e)(1):**

to permit visitor parking on lands intended solely for the exclusive use of an individual residential unit in a development, whereas the By-law does not permit visitor parking on lands intended solely for the exclusive use of an individual residential unit in a development;

as it relates to a proposed townhouse development. **(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Jessica Byers appeared on behalf of the application. This is principally a residential development.

Pat Dimelta of Dimelta Group spoke that the application, in his opinion, was premature at this stage. Issues such as environmental have not yet been addressed. As such, the application should be deferred to address these issues. Road design of the area has not yet been completed.

Ms. Byers responded that the secondary plan process is to be completed soon.

Committee member Jeamie Reingold stated she supports the proposal.

Committee member Sally Yan asked about transit accessibility.

Ms. Byers commented that there is a GO station nearby.

Committee member Kelvin Kwok asked if transportation study was done relating to the parking study.

Ms. Byers responded that it had been done. There is actually excess parking spaces at the site.

**Moved By: Kelvin Kwok**

**Seconded By: Jeamie Reingold**

THAT Application No. A/155/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**6. A/156/19**

**Owner Name: Shuyuan Zheng**  
**Agent Name: Ali Shakeri**  
**164 Krieghoff Avenue, Markham**  
**PLAN 7566 LOT 102**

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

**a) Section 6, Schedule B:**

a maximum height of 26 ft, whereas the By-law permits a maximum height of 25 ft;

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

The Secretary-Treasurer introduced the application.

The agent Ali Shakeri appeared on behalf of the application. The proposal is to have a house which is of a superior design.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. The height is overbearing in nature. Circular driveway design not appropriate here.

Sharon Chisholm west of subject property spoke in opposition to the application. Circular driveway would assume most of the front landscaped area.

Lea Crek of 160 Krieghoff Avenue spoke on how land sitting impacts the overall.

Christine Berger-Free spoke in opposition to the application. She was indicated that previous speaker, while in opposition, is participating in new builds on Worsley Court.

Committee member Tom Gutfreund raised concerns about the circular driveway.

Mr. Shakeri stated that while circular driveway not of variance request, they would look to implement permeable pavers as condition.

Committee member Patrcik Sampson inquired if they could have built this proposal without variance request.

Mr. Shakeri responded it was due to the basement and how it is oriented which has triggered this request.

Committee member Jeamie Reingold stated the overall design does not appear incompatible for the area.



The Secretary-Treasurer noted that it appears the variance request is for the dwelling and not for the circular driveway.

**Moved By: Tom Gutfreund**

**Seconded By: Patrick Sampson**

THAT Application No. A/156/19 be approved subject to conditions contained in the staff report with Committee imposed condition of permeable pavers for driveway.

Resolution Carried

**7. A/157/19**

**Owner Name: Chiu Chung Lung**

**Agent Name: TAES Architects Inc. (Shenshu Zhang)**

**57 Laureleaf Rd, Thornhill**

**PLAN M899 LT 79**

The applicant is requesting relief from the requirements of By-law 1767 as amended to permit:

**a) Infill By-law 100-90, Section 1.2(i) - Building Height:**

a maximum building height of 10.60 metres, whereas the By-law permits a maximum building height of 9.8 metres;

**b) Section 15(i)(c) - Front Yard Setback:**

a minimum front yard setback of 25 ft 3 in, whereas the By-law permits a minimum front yard setback of 30 ft;

**c) Section 15(i)(e) - Rear Yard Setback:**

a minimum rear yard setback of 10 ft 1 in, whereas the By-law requires a minimum rear yard setback of 40 ft;

**d) Infill By-law 100-90, Section 1.2(iii) - Building Depth:**

a maximum building depth of 33.38 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as it relates to a proposed two-storey detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Shenshu Zhang appeared on behalf of the application.

Committee member Tom Gutfreund stated he supports proposal as it is consistent with other developments which have occurred in the area.

Committee member Jeamie Reingold inquired about the hard surface and potential flooding issues.

Mr. Zhang responded they have incorporate soft landscaped area.

Committee member Sally Yan asked about details of the driveway.

Mr. Zhang stated permeable pavers for driveway.

**Moved By: Sally Yan**

**Seconded By: Kelvin Kowk**

THAT Application No. A/157/19 be approved subject to conditions contained in the staff report and Committee imposed condition of permeable paver for driveway.

Resolution passed

**8. A/158/19**

**Owner Name: Yingqing Zhao**

**Agent Name: Henry Wen**

**139 Kenborough Crt, Markham**

**PLAN 65M2942 PT LOT 17 RS65R17136 PARTS 3 & 4**

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

**a) Section 5.2.1:**

to permit a Second Dwelling Unit, whereas the By-law permits no more than one (1) semi-detached dwelling on one (1) lot;

as it relates to an existing basement apartment that was built without a permit.  
**(Central District, Ward 8)**

The Secretary-Treasurer introduced the application.

The agent Henry Wen appeared on behalf of the application. The family residing here wishes to put in place a secondary suite or basement apartment.

Chon Hua Tee of 133 Kenborough Court spoke in opposition to the application. The house was built for family unit originally.

The Secretary-Treasurer indicated that secondary suite policies are determined by provincial government. If residents are concerned with these policies, they should contact the province to discuss further.

Committee member Tom Gutfreund stated that if there are property standard issues, do let the municipality know.

**Moved By: Tom Gutfreund**  
**Seconded By: Patrick Sampson**  
**Jeannie Reingold opposed**

THAT Application No. A/158/19 be approved subject to conditions contained in the staff report.

**Resolution Carried**

**9. A/159/19**

**Owner Name: 1901642 Ontario Inc. (Mario Colangelo)**  
**Agent Name: 1901642 Ontario Inc. (Mario Colangelo).**  
**1 Beech St, Markham**  
**PLAN 65R22140 PART LOT 1**

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

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

zero (0) additional parking spaces for the accessory basement dwelling unit, whereas the By-law requires one (1) additional parking spaces per accessory dwelling unit;

as it relates to a proposed basement apartment.

This application is related to minor variance A/35/19 to permit a secondary dwelling unit, which was approved by the Committee of Adjustment on May 8, 2019. The parking variance was not identified at that time. **(Heritage District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Samir Hanawi appeared on behalf of the application. The client had not initially caught the parking variance and now coming in for this request.

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

THAT Application No. A/159/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**10. A/31/19**

**Owner Name: LINDVEST PROPERTIES (CORNELL) LIMITED**  
**Agent Name: Lindvest Properties Limited (Donna Bravo)**  
**38 Lindcrest Manor, Markham**  
**PLAN 65M4458 PT BLK 2L**

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

**a) Section 5.1, Table B2(a):**

to permit a minimum lot frontage of 14.2m, whereas the By-law requires a minimum lot frontage of 14.4m for two semi-detached dwellings on a corner lot;

**b) Section 5.1, Table B2(a):**

to permit a minimum lot frontage of 6.35m, whereas the By-law requires a minimum of 6.6m;

as it relates to an existing residential lot to be severed into two lots.

This application is related to minor variance application A/001/20. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

The agent Stephanie Kwast of Bousfields appeared on behalf of the application. She contends the variances are minor. There would be no obstruction to the laneway or impact vehicular traffic.

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

THAT Application No. A/31/19 be approved subject to conditions contained in the staff report.

Resolution Carried

**11. A/001/20**

**Owner Name: LINDVEST PROPERTIES (CORNELL) LIMITED**  
**Agent Name: Lindvest Properties Limited (Donna Bravo)**  
**40 Lindcrest Manor, Markham**  
**PLAN 65M4458 PT BLK 2R**

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

**a) Section 5.1, Table B2(a):**

to permit a minimum lot frontage of 14.2m, whereas the By-law requires a minimum lot frontage of 14.4m for two semi-detached dwellings on a corner lot;

**b) Section 6.17(i):**

to permit a minimum exterior side yard of 1.99m for a parking pad, whereas the By-law requires a minimum of 2.4m;

as it relates to an existing residential lot to be severed into two lots.

This application is related to minor variance application A/31/19. **(East District, Ward 5)**

The Secretary-Treasurer introduced the application.

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

THAT Application No. A/001/20 be approved subject to conditions contained in the staff report.

Resolution Carried

**Other business**

-Committee was updated that 57 Hawkrigde Avenue (minor variance A.71.18) was approved by the Local Planning Appeal Tribunal (LPAT) subject to conditions as proposed by Planning staff.

**MOTION TO ADJOURN**

**Moved by Tom Gutfreund**  
**Seconded by Patrick Sampson**

THAT the meeting of Committee of Adjustment be adjourned at 10:30 PM, and the next regular meeting will be held on February 19, 2020.

CARRIED



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Secretary-Treasurer,  
Committee of Adjustment



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Chair