



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

**December 14, 2022**  
**7:00 pm**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 23<sup>rd</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:

Arrival Time

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

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Dinal Manawadu, Development Technician, Committee of Adjustment

**DISCLOSURE OF INTEREST**

None

**Minutes: December 07, 2022**

The minutes of Meeting No. 22 of the City of Markham Committee of Adjustment, held December 07, 2022, respectively be received at the January 18, 2023, meeting of the Committee of Adjustment.

**SECONDARY SUITES**

Items 1 through 4 under Secondary Suites were subject to Bill 23, More Homes Built Faster. Therefore, the applications were not heard as the need for planning approvals for accessory dwelling units that met development standards was withdrawn.

**1. A/135/22 - Withdrawn**

**Owner Name: Kirandip Singh**  
**Agent Name: Sukhjit Josan**  
**103 Highgate Drive, Markham**  
**PL M1895 LT 34**

The applicant was requesting relief from the requirements of By-law 72-79, as amended, to permit:

a) **By-law 72-79, Section 6.1:**

an accessory dwelling unit, whereas the By-law only permits one dwelling unit per lot;

as it related to a proposed secondary suite (basement apartment).

**2. A/212/22 - Withdrawn**

**Owner Name: Yu Qiao Yang**  
**Agent Name: Markham Drafting & Design (Dongshan Cui)**  
**55 Randall Avenue, Markham**  
**PLAN 65M2350 LOT 137**

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

a) **Section 5.2.1:**

a second dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

as it related to a proposed secondary suite (basement apartment).

**3. A/214/22 – Withdrawn**

**Owner Name: Behzad Soufivand**  
**Agent Name: Building Experts Canada (Edgar Labuac)**  
**42 Ladyslipper Court, Thornhill**  
**PL M1095 LT 6**

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

a) **Section 12(iii):**

an accessory dwelling unit, whereas the By-law permits one dwelling unit per lot;

as it related to a proposed secondary suite (basement apartment).

**4. A/228/22 – Withdrawn**

**Owner Name: Leopold Leukam Happi**  
**Agent Name: QBS Architects Inc. (Saba Al Mathno)**  
**53 Raven Cross Avenue, Markham**  
**PLAN 65M4375 LOT 93**

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

**a) Section 7.190.1(b):**

an accessory apartment to be located in the basement; whereas the By-law only permits an accessory apartment to be located above a private garage;

as it related to a proposed secondary suite (basement apartment).

**NEW BUSINESS:**

**5. A/197/22**

**Owner Name: Nadeem Awan**  
**Agent Name: Nadeem Awan**  
**117 Russell Jarvis Drive, Markham**  
**PLAN 65M3420 LOT 12**

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

**a) Section 5.1 - Table B2(e):**

a minimum interior side yard setback of 0.56 m, whereas the By-law requires a minimum interior side yard setback of 0.6 m;

**~~b) Section 6.5: - Withdrawn~~**

~~an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;~~

as it related to a proposed secondary suite.

The Chair introduced the application.

The owner, Nadeem Awan, appeared on behalf of the application.

Member Gutfreund noted the request was minor and motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/197/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**6. A/220/22**

**Owner Name: Sandeep Gupta**  
**Agent Name: Sandeep Gupta**  
**27 Stacey Crescent, Thornhill**  
**PLAN 65M2082 LOT 52**

The applicant was requesting relief from the requirements of By-law 72-81, as amended, to permit:

**a) By-law 142-95, Section 2.2(b)(i):**

a maximum deck projection of 3.66 metres, whereas the By-law permits a maximum deck projection of 3.0 metres;

**b) Section 6.1.1: - Withdrawn**

~~an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot;~~

as it related to a proposed deck and a new walkout basement door at the rear.

The Chair introduced the application.

The owner, Sandeep Gupta, appeared on behalf of the application.

Member Reingold indicated that the request was minor.

Member Gutfreund indicated that the deck projection was consistent with other decks that came before the Committee, and the request was minor.

The owner confirmed the walk-up stairs would be screened.

Member Gutfreund motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/220/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**7. A/187/22**

**Owner Name: Jan Morava**  
**Agent Name: Markham Drafting & Design (Dongshan Cui)**  
**12 Strathroy Crescent, Markham**  
**PLAN 5223 LT 11**

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

- a) **By-law 1229, Section 1.2 (ii):**  
a maximum building depth of 18.67 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

as it related to a proposed canopy.

The Chair introduced the application.

The owner, Jan Morava, appeared on behalf of the application.

Member Sampson and Member Gutfreund requested additional information regarding the trees in the front yard.

Jan Morava indicated that the arborist report had been reviewed and confirmed by the City arborist, and the tree protection measures had been established.

Member Gutfreund motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/187/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**8. A/222/22**

**Owner Name: 2845222 Ontario Inc. (Yu Chen)**  
**Agent Name: MPLAN INC. (Joshua Chitiz)**  
**7550 Birchmount Road, Markham**  
**PL M1915 BLK 37**

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

**a) Section 7.4.3 (a):**

a maximum floor area ratio of 45.40 percent, whereas the By-law permits a maximum floor area ratio of 40 percent;

as it related to a proposed 1,743 square metres warehouse addition to the rear of an existing industrial building.

The Chair introduced the application.

The agent, Joshua Chitiz, appeared on behalf of the application.

Member Reingold noted no adverse impacts on the wooded or industrial areas.

Member Sampson asked if the new floor area complied with the parking requirements.

Joshua Chitiz indicated that there was sufficient parking and that the site complied with the by-law.

Member Kwok asked if there was a future intention to add a second floor to the building and if a traffic study had been conducted.

Joshua Chitiz indicated the existing building was one storey, and the proposed addition was one storey. Additionally, they noted that the proposal would not impact the traffic flow of other uses on the site.

Member Kwok motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/222/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

9. **A/209/22**

**Owner Name: 8365 Woodbine Inc. (Mei Zhang)**  
**Agent Name: KLM Planning Partners Inc. (Billy Tung)**  
**8365 Woodbine Avenue, Markham**  
**PL 3560 PT LT 12 CON 4 PT LT 10 65R6843 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 6.12.1:**

a motor vehicle sales establishment use, whereas the By-law, does not permit a motor vehicle sales establishment use;

as it related to a change of use to permit a car brokerage in Unit one.

The Chair introduced the application.

The agent, Connor Ferris, appeared on behalf of the application.

Member Yan motioned for approval.

**Moved By: Sally Yan**  
**Seconded By: Arun Prasad**

The Committee unanimously approved the application.

THAT Application No. **A/209/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

**PREVIOUS BUSINESS**

10. **A/043/22**

**Owner Name: Red Banner Developments Ltd (Keith Lahey)**  
**Agent Name: ARK Group (Daniel Wong)**  
**5990 16th Avenue, Markham**  
**CON 7 PT LOT 16 RS65R10123 PART 1 RS65R12779 PARTS 4 5 & 8**

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

**a) Section 12.24.4, By-law 1229:**

a combined maximum gross floor area of 22.0 percent for all types of restaurants at 5970 and 5990 16th Avenue, whereas the By-law permits a combined maximum gross floor area of 15.0 percent for all types of restaurants at 5970 and 5990 16th Avenue;

as it related to a proposed restaurant use.

The Chair introduced the application.

The agent, Ken Tai, appeared on behalf of the application. The applicant was returning to the Committee with an increased request to cover all existing, proposed, and non-conforming restaurant uses.

Member Gutfreund confirmed with the applicant all restaurant uses would be covered by the request for 22 percent gross floor area. Accordingly, the Member indicated the request met the four tests of the *Planning Act* and motioned for approval.

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

The Committee unanimously approved the application.

THAT Application No. **A/043/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

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

THAT the virtual meeting of the Committee of Adjustment was adjourned at 7:38 pm, and the next regular meeting would be held on January 18, 2023.

CARRIED



Secretary-Treasurer  
Committee of Adjustment



Chair  
Committee of Adjustment