

Memorandum to the City of Markham Committee of Adjustment

November 26, 2024

File: A/126/24
Address: 10 Galsworthy Drive, Markham
Applicant: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, December 4, 2024

The following comments are provided on behalf of the East Team:

The Applicant is requesting relief from the following requirements of the “Residential - Established Neighbourhood Low Rise (RES-ENLR)” zone under By-law 2024-19, as amended, as it relates to a proposed two-storey residential dwelling, to permit:

- a) **By-law 2024-19, Section 6.3.2.2(e)**: maximum main building distance from the established building line of 21.92 metres for the first storey, whereas the by-law permits a maximum distance of 19.50 metres for the first storey from the established building line; and
- b) **By-law 2024-19, Section 6.3.2.2(i)**: a combined interior side yard of 4.6 metres, whereas the by-law requires a minimum combined interior side yard of 5.22 metres;

BACKGROUND

Property Description

The 991.26 m² (10,669 ft²) Subject Lands are located on the east side of Galsworthy Drive, north of Robinson Street, and south of Abercorn Road (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing one-storey detached dwelling on the Subject Lands which was constructed in 1958, according to assessment records. Mature vegetation exists on the property including two large mature trees within the front yard. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with a gross floor area of 390.56 m² (4,204 ft²), as shown in Appendix “B”.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-law 2024-19, as amended

The Subject Lands are zoned “Residential - Established Neighbourhood Low Rise (RES-ENLR)” under By-law 2024-19, as amended, which permits detached dwellings. The proposed development does not comply with By-law 2024-19 with respect to the maximum main building distance from the established building line and minimum combined interior side yard setbacks.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on October 17, 2024 to confirm the variances required for the proposed development.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Increased Maximum Distance from Established Building Line Variance

The Applicant is requesting to permit a maximum distance of the main building from the established building line for any storey above the first storey of 21.92 metres (71.92 feet), whereas the By-law permits a maximum distance of 19.50 metres (64 feet). This represents an increase of 2.42 metres (7.94 feet). Staff are of the opinion that the proposed extension to a distance of 21.92 metres (71.92 feet) for the second storey will have limited impact on the streetscape and neighboring properties. The design incorporates sufficient

articulation in the structure to provide relief to the massing of the dwelling. Additionally, Staff note that the second floor is less than half the size of the first floor, further reducing the perceived massing and scale of the building. The scale is generally in line with infill developments in the area. Staff do not have any concerns with the variance requested.

Minimum Combined Interior Side Yard Setback Variance

The Applicant is requesting relief to permit a minimum combined interior side yard of 4.6 metres (15 feet), whereas By-law 2024-19 requires a minimum combined interior side yard on both sides of 5.22 metres (25 percent of the lot width). This represents a reduction of 0.62 metres (2.03 feet). Staff note that there are no extenuating circumstances or constraints preventing the proposed new dwelling from meeting the required setbacks. The reduction in the combined interior side yard does not align with the intent of the By-law, which seeks to ensure adequate separation between properties for access, drainage, and minimizing the impact on the adjacent neighbours. Staff are of the opinion that the proposed variance is neither appropriate nor desirable and do not support the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 26, 2024. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the requested variances as it relates to the distance from the established building line meets the four tests of the *Planning Act* and have no objection. Staff are of the opinion that the variance request as it relates to the combined interior side yard setbacks do not meet the four tests of the *Planning Act*. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A/126/24 Conditions of Approval

Appendix "B" – Drawings

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX “A” – A/126/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/126/24

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.

Appendix B

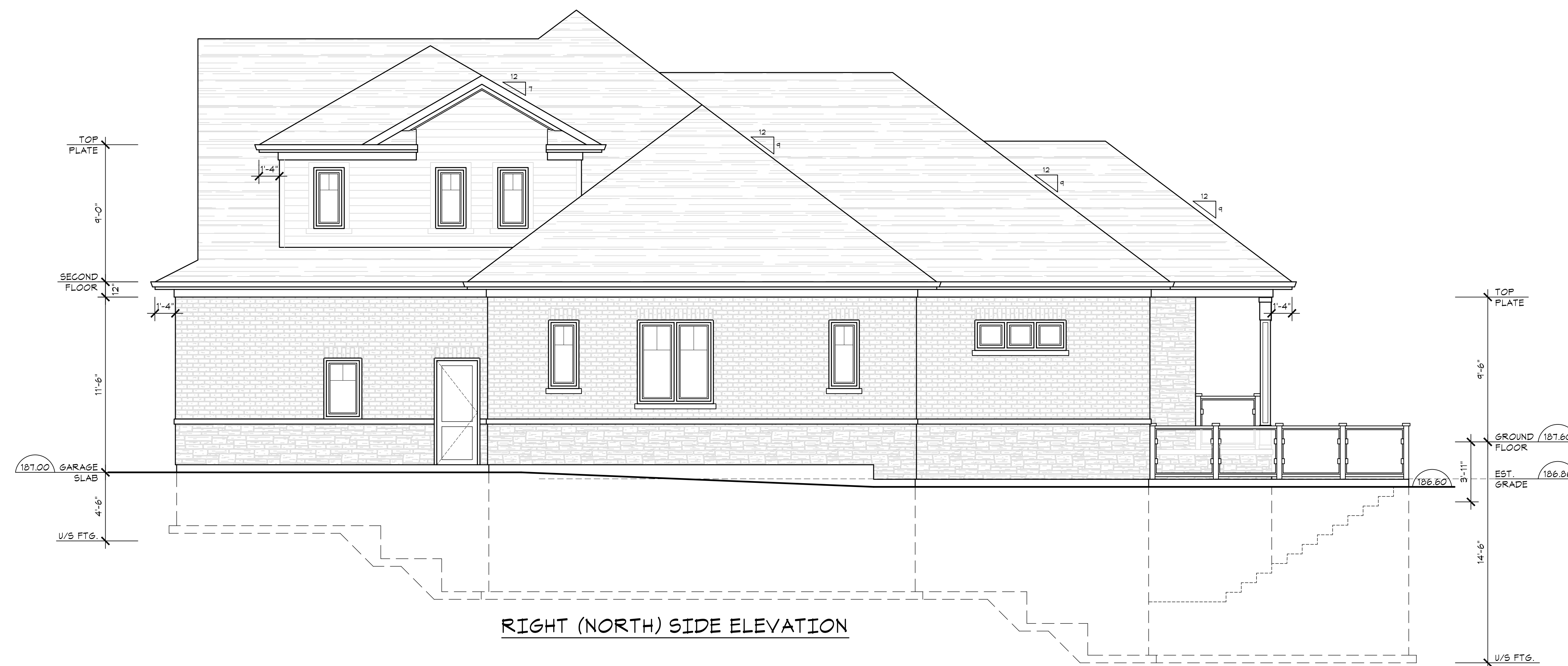
File: 24.195860.000.00.MNV

Date: 11/27/2024

MM/DD/YYYY



FRONT ELEVATION



RIGHT (NORTH) SIDE ELEVATION

GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
 CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
 DO NOT SCALE DRAWINGS.
 OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
 THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25025
 Firm B.C.I.N. - 30506

Russ Gregory
 NAME SIGNATURE

PROJECT TITLE
**PROPOSED DWELLING
 10 GALSWORDHY DRIVE
 CITY OF MARKHAM**

GREGORY DESIGNS
 48 GEORGE STREET
 MARKHAM, ONTARIO L3P 2R7
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 09/24/24
PROJECT NUMBER 24-42	SHEET NUMBER A-5
DRAWN BY S.Gregory	CHECKED BY R.G.

Appendix B

File: 24.195860.000.00.MNV

Date: 11/27/2024

MM/DD/YYYY



REAR ELEVATION



LEFT (SOUTH) SIDE ELEVATION

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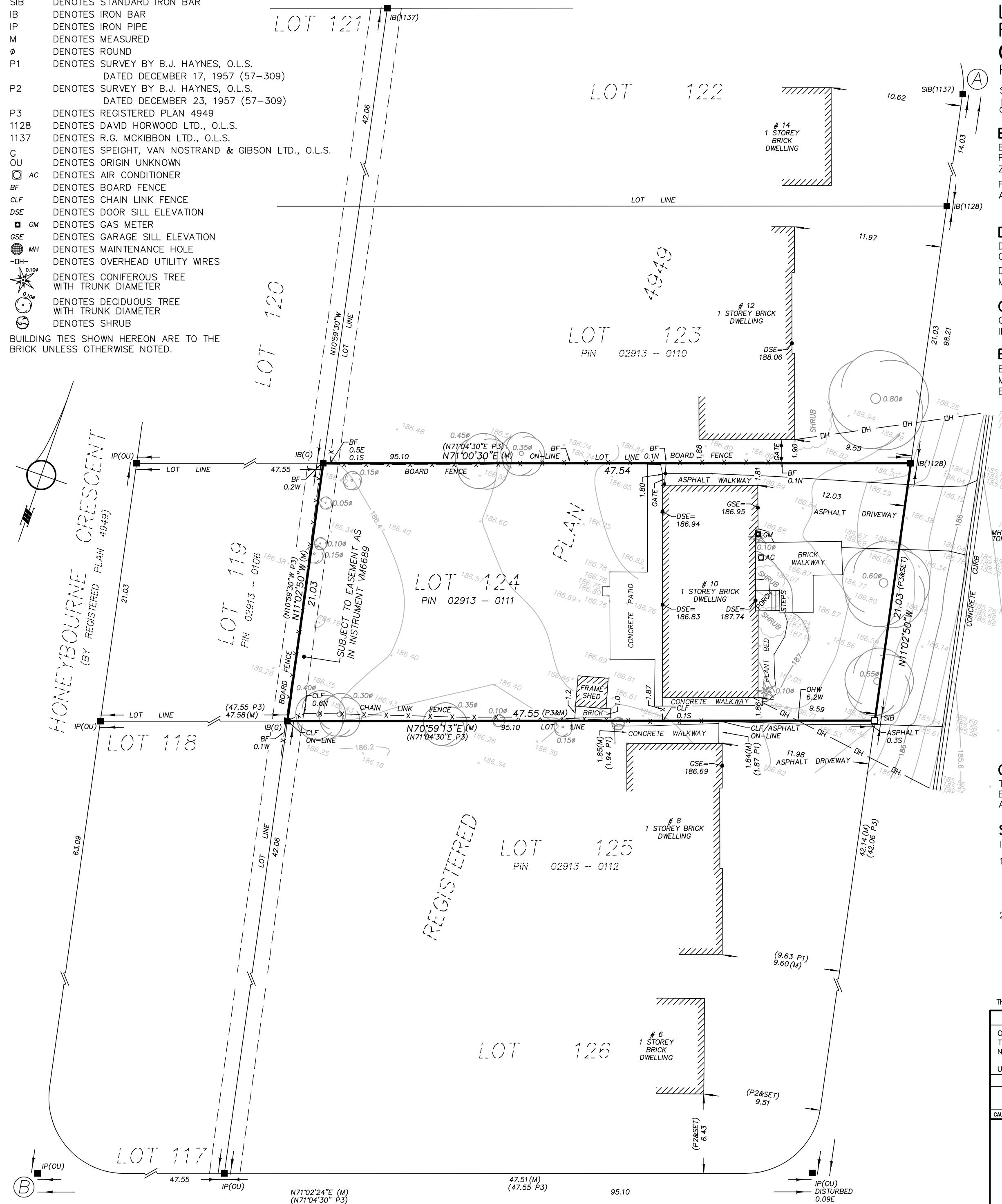
SCALE 1/4"=1'-0"	DATE 09/24/24
PROJECT NUMBER 24-42	SHEET NUMBER A-6
DRAWN BY S.Gregory	CHECKED BY R.G.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- IP DENOTES IRON PIPE
- M DENOTES MEASURED
- ∅ DENOTES ROUND
- P1 DENOTES SURVEY BY B.J. HAYNES, O.L.S. DATED DECEMBER 17, 1957 (57-309)
- P2 DENOTES SURVEY BY B.J. HAYNES, O.L.S. DATED DECEMBER 23, 1957 (57-309)
- P3 DENOTES REGISTERED PLAN 4949
- 1128 DENOTES DAVID HORWOOD LTD., O.L.S.
- 1137 DENOTES R.G. MCKIBBON LTD., O.L.S.
- G DENOTES SPEIGHT, VAN NOSTRAND & GIBSON LTD., O.L.S.
- OU DENOTES ORIGIN UNKNOWN
- AC DENOTES AIR CONDITIONER
- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- DSE DENOTES DOOR SILL ELEVATION
- GM DENOTES GAS METER
- GSE DENOTES GARAGE SILL ELEVATION
- MH DENOTES MAINTENANCE HOLE
- DH DENOTES OVERHEAD UTILITY WIRES
- DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER
- DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER
- DENOTES SHRUB

BUILDING TIES SHOWN HEREON ARE TO THE BRICK UNLESS OTHERWISE NOTED.

HONEYBOURNE CRESCENT
(BY REGISTERED PLAN 4949)



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PLAN OF SURVEY WITH TOPOGRAPHIC DETAIL OF LOT 124, REGISTERED PLAN 4949 CITY OF MARKHAM REGIONAL MUNICIPALITY OF

Appendix B

File: 24.195860,000.00.MNV

Date: 11/27/2024
MM/DD/YYYY

SCALE 1 : 250 METRES

BEARING NOTES

BEARINGS ARE UTM GRID, DERIVED FROM POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17 (81° WEST LONGITUDE), NAD83(CSR)v7(2010). FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P1,P2,P3 - 2°41'00" COUNTER-CLOCKWISE

DISTANCE NOTES - METRIC

DISTANCES AND COORDINATES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999815.

CONTOURS

CONTOURS SHOWN HEREON ARE DRAWN AT 0.20 METRE INTERVALS.

ELEVATIONS

ELEVATIONS ARE GEODETIC AND REFERRED TO CITY OF MARKHAM BENCHMARK M-33-023 AND HAVING A GEODETIC ELEVATION OF 188.836m.

CAUTION

THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON AUGUST 13, 2024.

(SIGNATURE DATE)
DATE ANDREJS LUCKIS, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-87271

INTEGRATION DATA

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83(CSR)v7(2010).

URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.			
POINT ID	NORTHING	EASTING	
A	4859324.74	639115.24	
B	4859197.48	639044.08	

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN



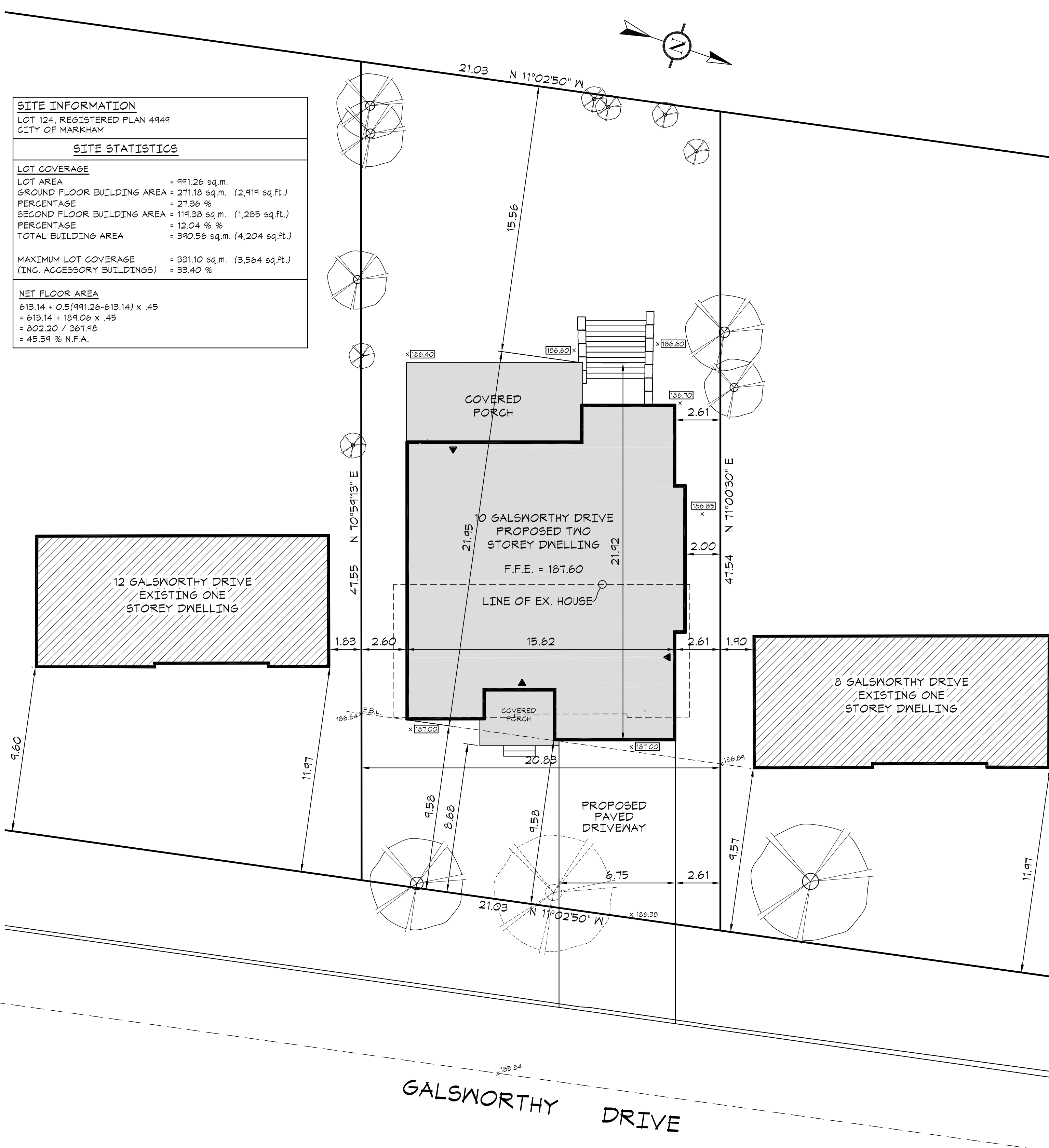
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SITE INFORMATION	
LOT 124, REGISTERED PLAN 49441 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 991.26 sq.m.
GROUND FLOOR BUILDING AREA	= 271.18 sq.m. (2,919 sq.ft.)
PERCENTAGE	= 27.36 %
SECOND FLOOR BUILDING AREA	= 119.38 sq.m. (1,285 sq.ft.)
PERCENTAGE	= 12.04 %
TOTAL BUILDING AREA	= 390.56 sq.m. (4,204 sq.ft.)
MAXIMUM LOT COVERAGE	= 331.10 sq.m. (3,564 sq.ft.)
(INC. ACCESSORY BUILDINGS)	= 33.40 %
NET FLOOR AREA	
613.14 + 0.5(991.26-613.14) x .45	
= 613.14 + 189.06 x .45	
= 802.20 / 361.98	
= 45.59 % N.F.A.	

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1:150	09/24/24
PROJECT NUMBER	SHEET NUMBER
24-42	SP-1
DRAWN BY	CHECKED BY
S.Gregory	R.G.