

Memorandum to the City of Markham Committee of Adjustment

November 29, 2024

File: **B/016/24**
Address: **28 Kirk Drive, Thornhill**
Agent: **JKO Planning Services Inc. (Jim Kotsopoulos)**
Hearing Date: **Wednesday December 4, 2024**

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

- a) sever and convey a parcel of land with an approximate lot frontage of 15.24 m and an approximate lot area of 696.456 m² (Part 1); and
- b) retain a parcel of land with an approximate lot frontage of 15.24 m and an approximate lot area of 696.456 m² (Part 2).

The purpose of this application is to sever the subject lands to facilitate the creation of one new residential lot. This application is associated with Zoning By-law Amendment Application PLAN 24 161084.

BACKGROUND

Property Description

The subject property is located on the north side of Kirk Drive, east of Yonge Street and south of Highway 407. The surrounding area is an established neighbourhood, primarily comprised of one and two storey dwellings.

The subject property currently has an area of approximately 1394.14 m² (15,006.40 ft²) and a lot frontage of approximately 30.48 m (100 ft). Mature vegetation exists along the property.

History of Application

In 2024, the Applicant submitted a Zoning By-law Amendment to facilitate the construction of 2 single detached dwellings on the subject property, following a consent application to sever the subject property. In June 2021, Site Specific By-law 2024-87, was enacted to rezone the lot from By-law 2510, place it within By-law 177-96 and, to facilitate the creation of a new lot and the construction of a new single-detached dwelling. Site Specific By-law 2024-86, was also enacted to rezone the lot under By-law 2024-19. The current application implements these amendments by creating the new lot.

Proposal

The applicant is proposing to sever and convey a parcel of land with a lot frontage of 15.24 m and an approximate lot area of 696.456 m² (Part 1) while retaining a parcel of land with a lot frontage of 15.24 m and an approximate lot area of 696.456 m² (Part 2).

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached and semi-detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of

the 2014 Official Plan. Specifically, the section requires that:

- Proposed new lot(s) have lot area(s) and lot frontage(s) consistent with the size of existing lots on both sides of the street;
- That proposed new building(s) have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street; and,
- Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

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

The lands are zoned “RES-LR1*2” Residential - Low Rise One Zone under By-law 2024-19, as amended, which permits single detached dwellings. The subject lands are also subject to the site-specific development standards of amending By-law 2024-86 (identified above), which created site-specific development standards to permit the proposed detached dwelling on site.

COMMENTS

Urban Design Staff

Urban Design has no objection to the approval of the application, subject to the conditions found in Appendix “A” below. Staff in Urban Design also indicated the need for parkland dedication due to the creation of an additional dwelling unit. Payment of cash-in-lieu will be required in accordance with By-law 195-90, as amended, for the newly created lot, to be secured by entering into a Development Agreement with the City as a condition of approval.

Engineering Staff

Engineering has no objection to the approval of this application subject to the conditions outlined within Appendix “A”, below.

Planning Staff

Staff note that the size of the proposed severed and retained lots will be comparable to existing lots within the surrounding area. The zoning by-law amendment application specifically examined the appropriateness of the proposed development standards to facilitate the future severance. Consequently, Staff are of the opinion that the proposed application implements the recently passed by-law amendments, and therefore, have no objections.

York Region Staff

The Region provided comments for this application on November 20th, 2024. Based on their comments provided in the associated zoning by-law amendment application on the subject lands the Region understands that the new lots will be serviced by local municipal water and wastewater infrastructure.

The Region has no objection to the approval of the application subject to the conditions outlined in Appendix “A” of this report.

Metrolinx Staff

Metrolinx provided comments for this application on Nov 22nd, 2024. Metrolinx has no objections to the proposal, in principle, and provided the following advisory comments noted below:

The subject property falls within the Project Review Zone (PRZ) of the Yonge North Subway Extension (YNSE), as defined by the Building Transit Faster Act (2020). As such, any works conducted within the public right-of-way must receive prior approval from Metrolinx for potential space and time conflicts (i.e., excavation, shoring, scaffolding, hoarding, utility upgrades, sidewalk closures, lane closures or reductions, hauling routes, etc.). The applicant is advised to contact our Utility & Roadway review team at mcreviews@metrolinx.com with details of the proposed works, at least three (3) months before the intended start date of construction to avoid delays.

CONCLUSION

Planning Staff have reviewed the applications with respect to Section 51 (24) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the consent requests are supportable given direction as contained within the Act. Staff recommend that the Committee consider public input in reaching a decision should any be provided.

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

PREPARED BY:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\24 175136\Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/016/24

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/016/24, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements, through the future Residential Grading & Servicing (RGS) TREE Permit process prior to issuance of building permit.
6. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Grading & Servicing (RGS) TREE Permit process.
7. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham Street trees, in accordance with the City's Tree Preservation By-Law 2023-164 and Conditions of a TREE Permit, to be inspected by City staff.
8. Confirm that there are no existing easements registered on title that will be impacted by the proposed severance.
9. Enter info, register on file, and pay the required engineering fee at the execution of, a Development Agreement with the City that shall specifically provide for matters including the subject but not limited to:
 - a. Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that, in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
 - b. Payment of cash-in-lieu of Parkland Dedication in accordance with Bylaw 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of

- reference respecting the proposed new lot, to be reviewed and approved by the City;
- c. Submission of an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the city
10. That the applicant satisfies the requirements of the Region of York, financial or otherwise, as indicated in their comments to the Secretary-Treasurer provided on November 20th, 2024, to the satisfaction of the Region of York and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Region of York.
11. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act*, R.S.O. 1990, c.P.13, *as amended*.

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District

1/4
MEHDI HOSSEINI

HOSSEINI HOMES CORPORATION
201 STEELES AVE EAST,
TORONTO, ON M2M 3Y6
TELE:(416)200-3080
WWW.HOSSEINIHOMES.COM

SITE INFO:
28 Kirk Dr.
RETAINED LOT

NUMBER	REVISED DATE	DESCRIPTION

The individual has been registered and has responsibility for his design and has the qualifications required by law to practice engineering in the Ontario Building Code to be a designer.

Signature: _____
Name: _____
Registration Information: _____
Name: HOSSEINI HOMES CORPORATION B.C.N. # 42164 Required
Date design is exempt under section 3.2 of the Building Code
2026

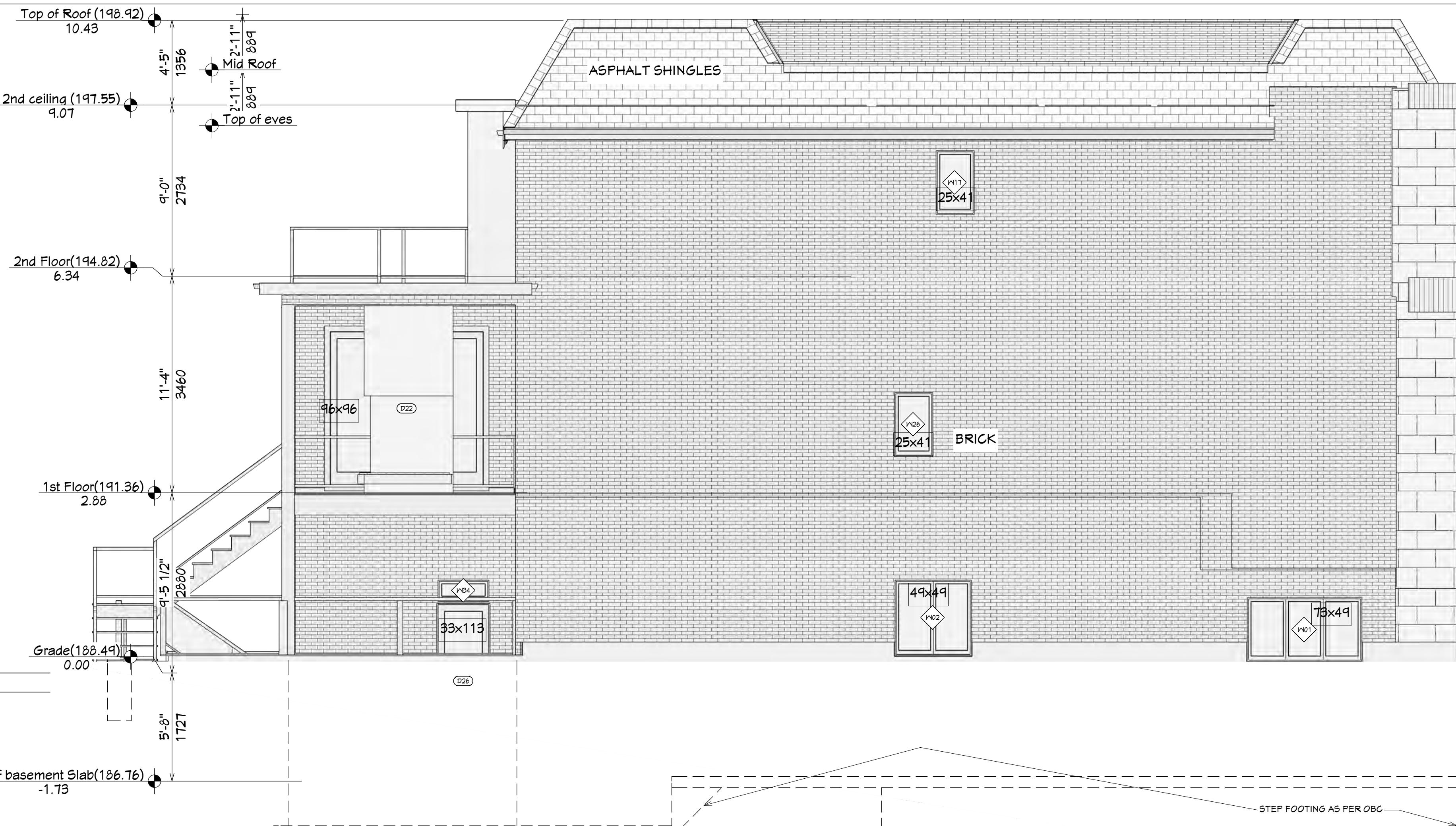
General Notes:
ALL DRAWINGS ARE THE PROPERTY OF DESIGNER AND THEY ARE NOT
TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT
FROM THE DESIGNER.
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE
COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE
DESIGNER.
DO NOT SCALE DRAWINGS.
ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE
AND CONFORM TO THE ONTARIO BUILDING CODE.

DATE:
2023-09-06

SCALE:

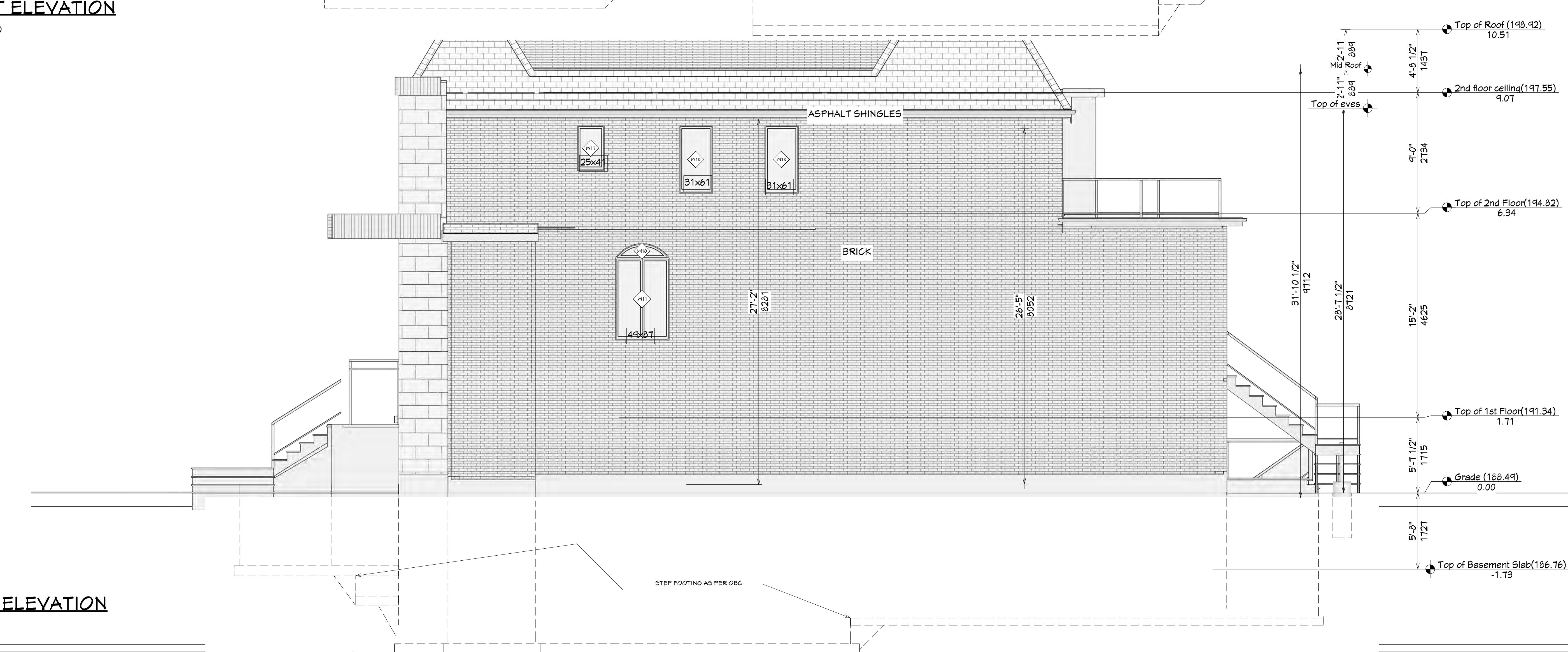
SHEET:

A-7



WEST ELEVATION

SCALE 1:50



EAST ELEVATION

SCALE 1:50

Appendix B

File: 24.175136.000.00.CSNT

Date: 11/29/2024
MM/DD/YYYY

Appendix B

File: 24.175136.000.00.CSNT

Date: 11/29/2024
MM/DD/YYYY

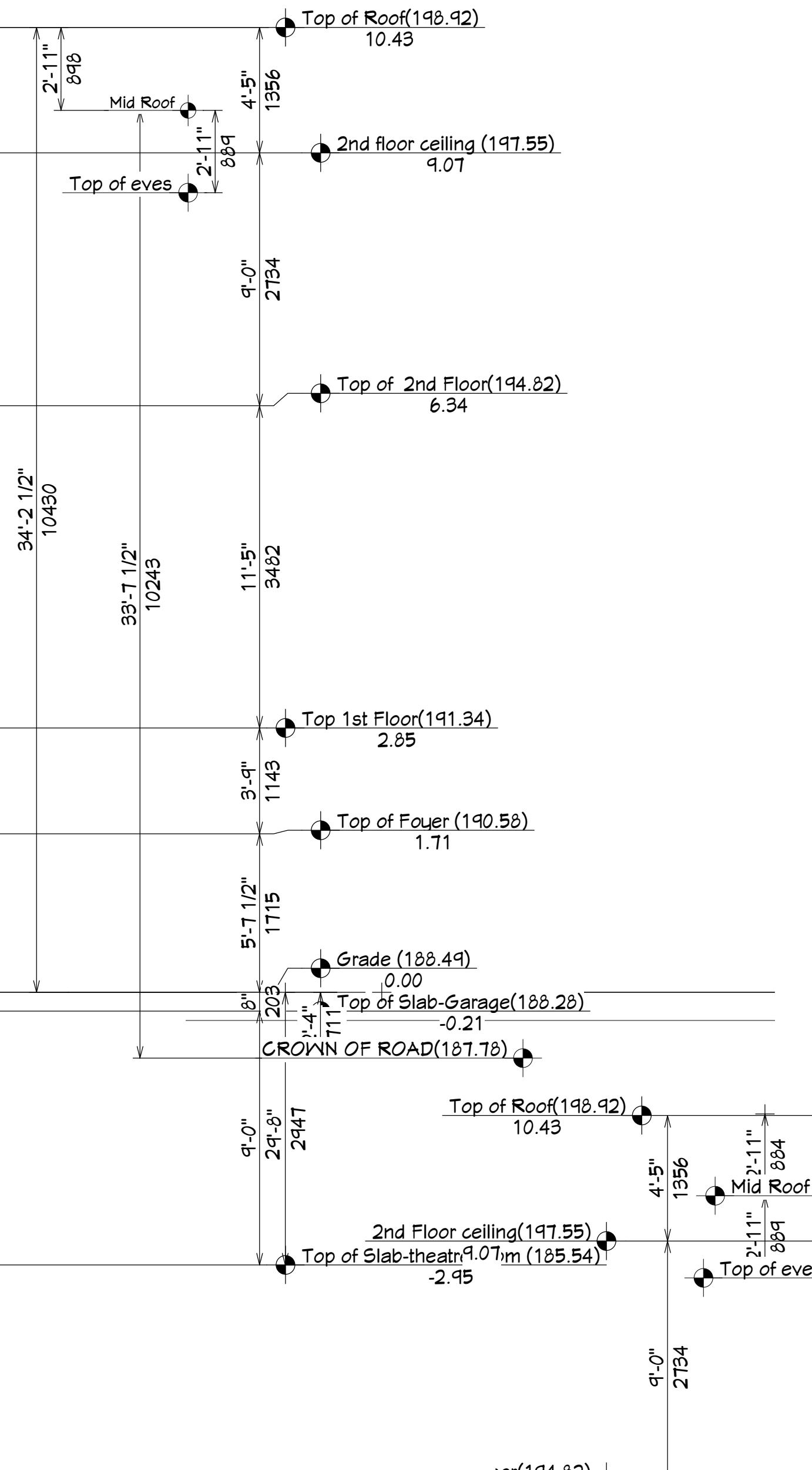


FRONT ELEVATION

SCALE 1:50

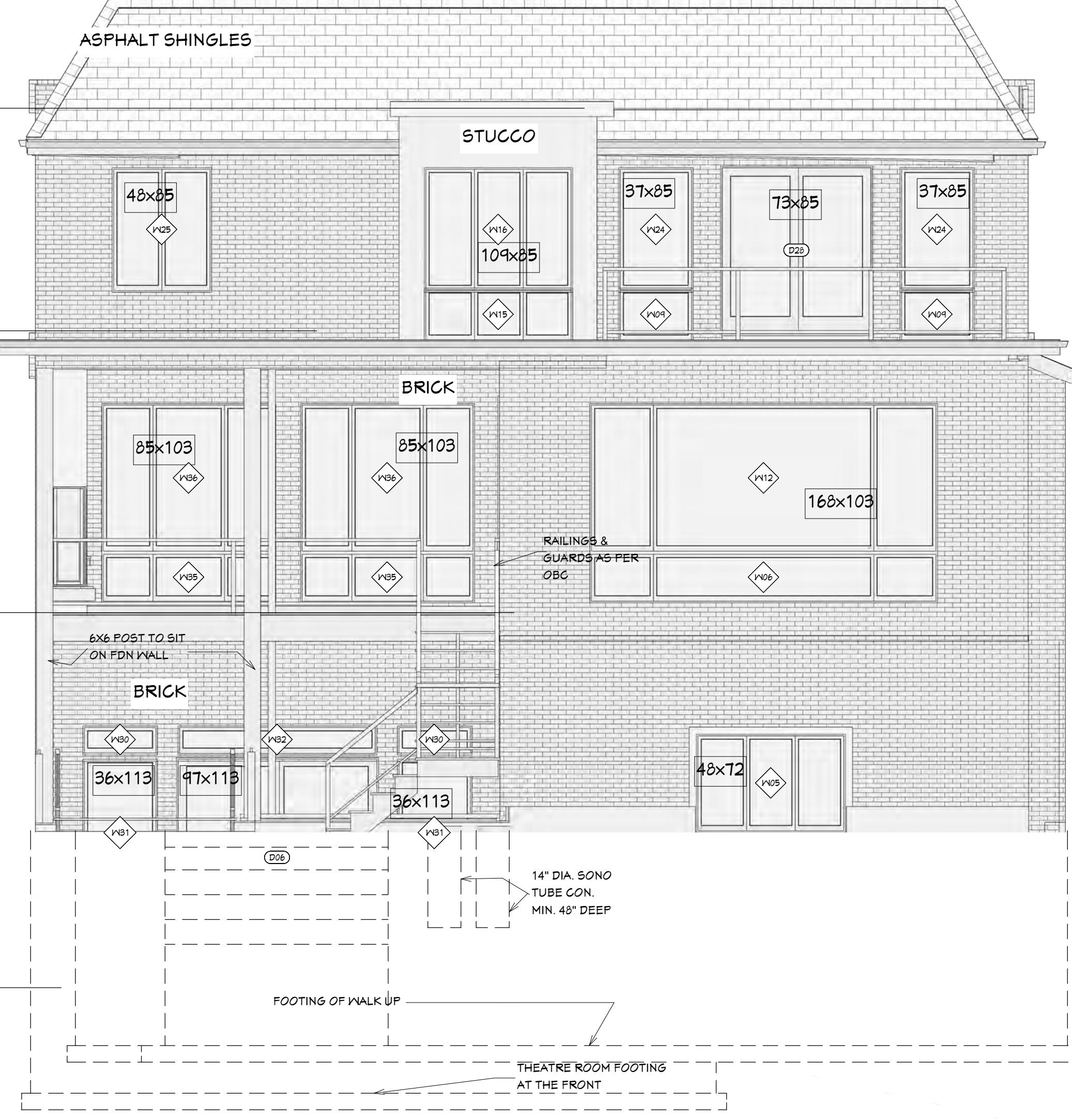
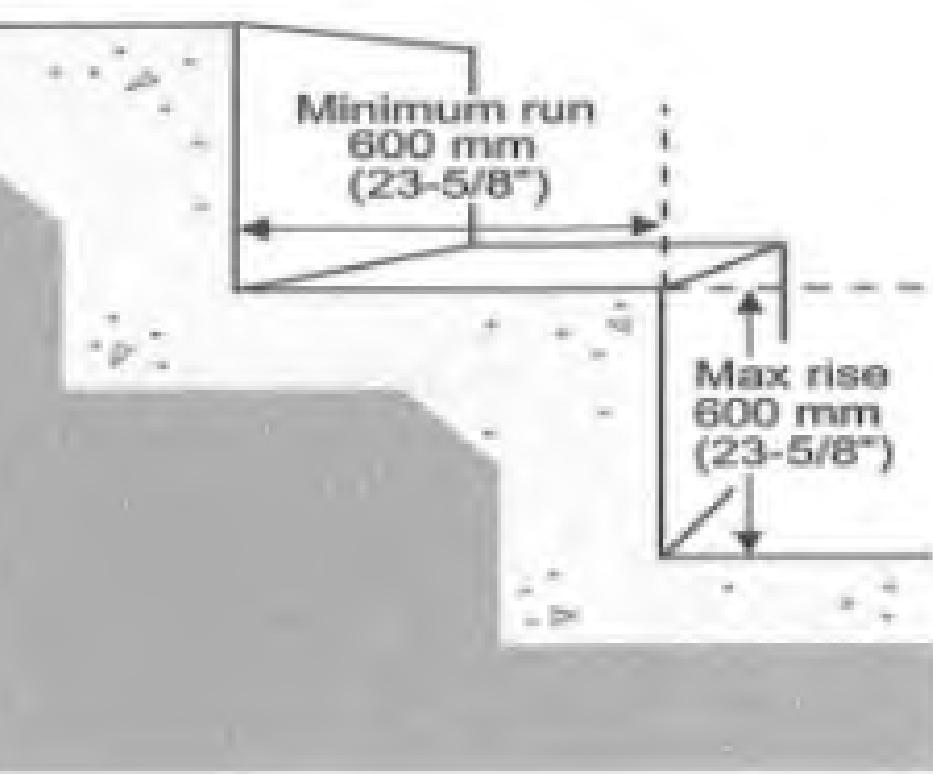
DOOR SCHEDULE						
NUMBER	QTY	FLOOR	WIDTH	HEIGHT R/O	THICKNESS	
D01	1	0	192"	84"	194"X87"	1 3/4"
D02	1	0	30"	80"	32"X82 1/2"	1 3/8"
D03	1	1	30"	96"	62"X98 1/2"	1 3/8"
D04	1	0	26"	96"	28"X98 1/2"	1 3/8"
D05	7	0	36"	84"	38"X86 1/2"	1 3/8"
D06	1	0	46"	96"	98"X99"	1 3/8"
D07	1	1	46"	96"	48"X98 1/2"	1 3/8"
D08	1	1	26"	96"	28"X98 1/2"	1 3/8"
D09	1	1	36"	96"	38"X98 1/2"	1 3/8"
D10	1	1	50"	80"	52"X82 1/2"	1 3/8"
D11	1	1	54"	80"	56"X82 1/2"	1 3/8"
D12	1	1	72"	122 5/8"	14"X125 5/8"	1 3/4"
D13	1	2	60"	96"	62"X98 1/2"	1 3/8"
D14	1	2	30"	80"	32"X82 1/2"	1 3/8"
D15	2	2	34"	96"	36"X98 1/2"	1 3/8"
D16	1	2	26 1/4"	96"	28 1/4"X98 1/2"	1 3/8"
D17	1	0	26 1/4"	33 1/2"	28 1/4"X36"	1 3/8"
D18	1	2	27 7/8"	96"	29 7/8"X98 1/2"	1 3/8"
D19	1	1	28"	96"	30"X98 1/2"	1 3/8"
D20	1	0	60"	96"	62"X98 1/2"	1 3/8"
D21	2	0	28"	96"	30"X98 1/2"	1 3/8"
D22	1	1	46"	96"	48"X94"	1 3/8"
D23	3	2	28"	96"	50"X98 1/2"	1 3/8"
D24	1	2	48"	96"	50"X98 1/2"	1 3/8"
D25	1	2	36"	96"	38"X98 1/2"	1 3/8"
D26	1	0	32"	96"	34"X94"	1 3/4"
D27	2	0	30"	96"	32"X98 1/2"	1 3/8"
D28	1	2	72"	80"	74"X83"	1 3/8"
D29	1	2	27 15/16"	96"	29 15/16"X98 1/2"	1 3/8"
D30	2	2	30"	96"	32"X98 1/2"	1 3/8"
D31	1	2	30 1/8"	96"	32 1/8"X98 1/2"	1 3/8"

WINDOW SCHEDULE						
NUMBER	QTY	FLOOR	WIDTH	HEIGHT	R/O	DESCRIPTION
W01	1	0	72"	40"	73"X41"	TRIPLE CASEMENT-LHL
W02	1	0	48"	46"	49"X49"	DOUBLE CASEMENT-LHL
W03	1	2	60"	60"	61"X61"	DOUBLE CASEMENT-LHL
W04	1	1	60"	124 13/16"	61"X130 13/16"	DOUBLE CASEMENT-LHL
W05	1	0	72"	48"	73"X44"	TRIPLE CASEMENT-LHL
W06	1	1	168"	24"	164"X25"	TRIPLE CASEMENT
W07	1	1	60"	86"	61"X87"	DOUBLE CASEMENT-RHR
W08	2	1	60"	24"	61"X25"	DOUBLE CASEMENT
W09	2	2	36"	26"	37"X27"	FIXED GLASS
W10	1	1	48"	13"	49"X14"	FIXED GLASS
W11	1	1	48"	13"	49"X14"	DOUBLE CASEMENT-LHL/RHR
W12	1	1	168"	72"	164"X173"	TRIPLE CASEMENT-LHL/RHR
W13	1	1	60"	86"	61"X87"	DOUBLE CASEMENT-LHL
W14	2	2	24"	60"	61"X25"	DOUBLE CASEMENT
W15	1	2	72 1/8"	26"	73 1/8"X27"	TRIPLE CASEMENT
W16	1	2	72"	60"	73"X61"	TRIPLE CASEMENT
W17	2	2	24"	40"	25"X41"	SINGLE CASEMENT-HR
W18	2	2	30"	60"	31"X61"	SINGLE CASEMENT-HL
W19	2	2	60"	24"	61"X25"	DOUBLE CASEMENT-RHR
W20	3	2	60"	60"	61"X61"	DOUBLE CASEMENT-RHR
W21	1	1	60"	24"	61"X25"	DOUBLE CASEMENT-LHL/RHR
W22	2	2	36"	60"	37"X61"	FIXED GLASS
W23	1	2	48"	60"	49"X61"	DOUBLE CASEMENT-RHR
W24	1	2	48"	60"	49"X61"	DOUBLE CASEMENT-RHR
W25	1	2	48"	60"	49"X61"	SINGLE CASEMENT-HR
W26	1	1	24"	40"	25"X41"	FIXED GLASS
W27	2	0	36"	26"	37"X27"	FIXED GLASS
W28	2	0	36"	14"	37"X15"	FIXED GLASS
W29	1	0	72"	72"	37"X73"	FIXED GLASS
W30	2	1	84"	14"	97"X14"	DOUBLE CASEMENT
W31	2	0	84"	14"	97"X14"	FIXED GLASS
W32	1	0	84"	14"	97"X15"	TRIPLE CASEMENT
W33	1	1	72"	30 1/4"	13"X31 1/4"	FIXED GLASS
W34	1	0	32"	14"	33"X15"	FIXED GLASS
W35	2	1	84"	24"	85"X25"	TRIPLE CASEMENT
W36	2	1	84"	72"	85"X73"	TRIPLE CASEMENT-LHL/RHR



STEP FOOTING DETAIL

SCALE NTS



REAR ELEVATION

SCALE 1:50

1/4
MEHDI HOSSEINI
Architectural Services

HOSSEINI HOMES CORPORATION
201 STEELES AVE EAST,
TORONTO, ON M2M 3Y6
TELE:(416)200-3080
WWW.HOSSEINIHOMES.COM

SITE INFO:
28 Kirk Dr.
SEVERED LOT

NUMBER	REVISED DATE	REVISION TABLE	DESCRIPTION

General Notes
ALL DRAWINGS ARE THE PROPERTY OF DESIGNER AND THEY ARE NOT
TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE
DESIGNER'S WORK AND TO REPORT ANY DISCREPANCIES TO THE
DESIGNER.
DO NOT SCALE DRAWINGS.
ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE
AND CONFORM TO THE CANADIAN BUILDING CODE.

DATE:
2023-09-06

SCALE:

SHEET:
A-6

A-6

Appendix B

File: 24.175136.000.00.CSNT

Date: 11/29/2024
MM/DD/YYYY

1/4
MEHDI HOSSEINI
Architectural Services Inc.

HOSSEINI HOMES
CORPORATION
201 STEELES AVE EAST,
TORONTO, ON M2M 3Y6
TELE:(416)200-3080
WWW.HOSSEINIHOMES.COM

SITE INFO:
28 Kirk Dr.
SEVERED LOT

NUMBER	REVISED DATE	DESCRIPTION

The individual who has prepared and made responsible for this design and building code to be a designer
Mehdi Hosseini
Registration Information
Name: HOSSEINI HOMES CORPORATION BCI# 42164 Required
Date design is exempt under section 3.2 of the Building Code
2016

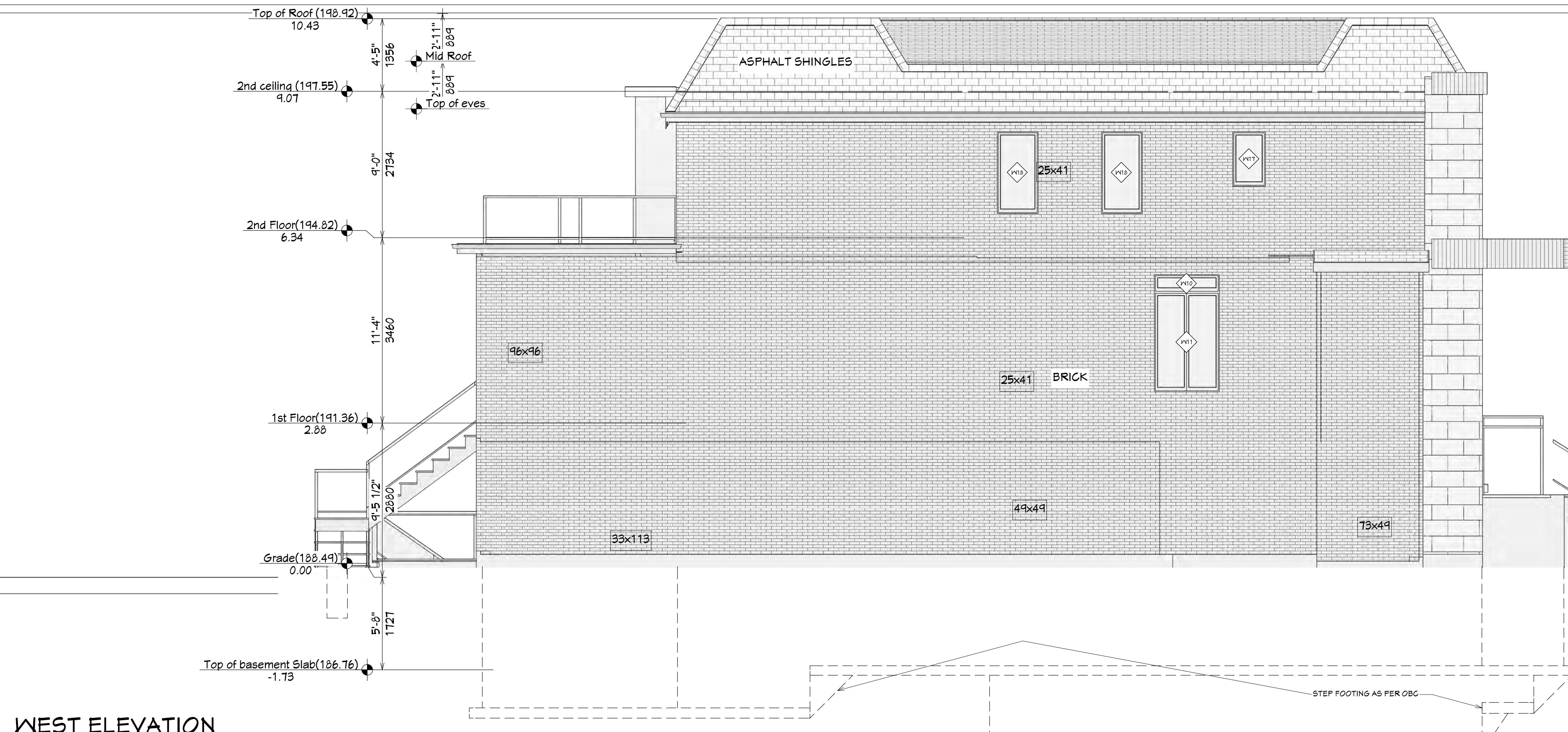
General Notes
ALL DRAWINGS ARE THE PROPERTY OF DESIGNER AND THEY ARE NOT
TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT
FROM THE DESIGNER
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE
COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE
DESIGNER
DO NOT SCALE DRAWINGS
ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE
AND CONFORM TO THE ONTARIO BUILDING CODE

DATE:
2023-09-06

SCALE:

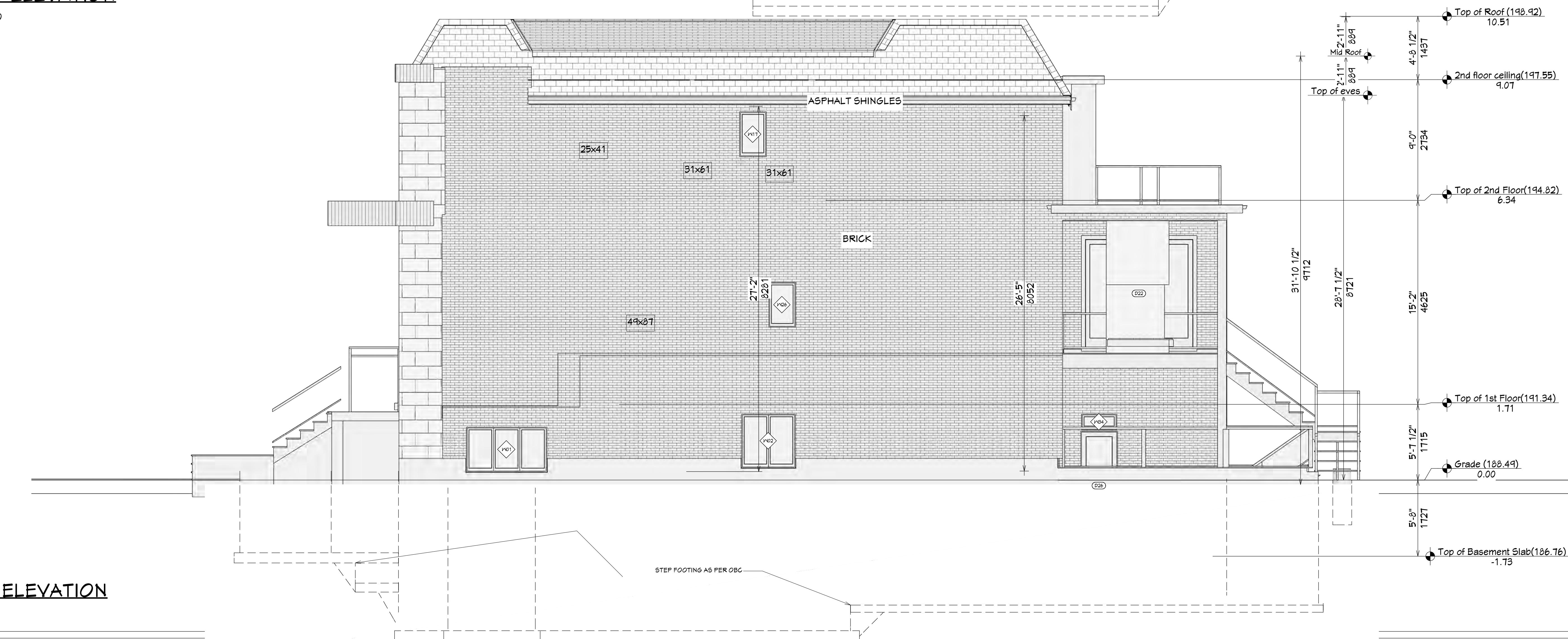
SHEET:

A-7



WEST ELEVATION

SCALE 1:50



EAST ELEVATION

SCALE 1:50

Appendix BDATE: 11/29/2024
FILE: 24.175136.000.00.CSNT

LOT	REGISTRATION NUMBER	PIN No.	AREA
2	11/29/2024 - 0118 (LT)	696.4 Sq m	222.6 NTS. (P3&MS)

Date: MM/DD/YYYY

PLAN OF SURVEY OF
PART OF LOT 36
REGISTERED PLAN 4184
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORKSCALE & NOTES
Scale 1:150
0 2 4 6 8 10 METRES
ALTIMAP LAND SURVEYORS INC.METRIC
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048BEARING NOTE
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A,
B & C, BY REAL TIME NETWORK OBSERVATIONS, REFERRED TO THE CENTRAL
MERIDIAN OF UTM ZONE 17 (81° 00' WEST LONGITUDE) NAD83 (CSRS) (2010.0).HORIZONTAL DATUM NOTE
PROJECTION: UNIVERSAL TRANSVERSE MERCATOR
(UTM, ZONE 17, CM 81°00'W)
DATUM: NAD83 (CSRS)(2010.0)GRID SCALE CONVERSION
DISTANCES ON THIS PLAN MAY BE CONVERTED TO GRID DISTANCES BY
MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.3048NOTE
FOR BEARING COMPARISONS A ROTATION OF 1°09'40" COUNTER-CLOCKWISE
WAS APPLIED TO BEARINGS ON RP

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
IB	DENOTES IRON BAR
IP	DENOTES IRON PIPE
SIB	DENOTES STANDARD IRON BAR
WT	DENOTES WITNESS
OU	DENOTES ORIGIN UNKNOWN
FD	DENOTES FOUND
④	DENOTES H. G. GEWELL, O.L.S.
1537	DENOTES T. Czerwinski, O.L.S.
1222	DENOTES C.E. DOTTERILL LTD., O.L.S.
OH	DENOTES OVERHEAD UTILITY CABLES
NTS	DENOTES NOT TO SCALE
MS	DENOTES MEASURED
CLF	DENOTES CHAIN LINK FENCE
BF	DENOTES BOARD FENCE
CLH	DENOTES CENTRELINE OF HEDGE
RP	DENOTES REGISTERED PLAN 4184
P2	DENOTES PLAN BY TOM Czerwinski SURVEYING LTD., O.L.S.
P3	DENOTES PLANS BY C.E. DOTTERILL LTD., O.L.S. DATED MARCH 03, 1999

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS USING REAL TIME NETWORK (RTN) OBSERVATIONS UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBANACURACY PER SEC 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
④	4854044.185	626548.104
⑤	4854087.669	626633.979
⑥	4854053.597	626677.079

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

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE
REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON MONTH DAY, 2023

July 16, 2024

BRUNO IAVICOLI
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER _____.

DWN BY: BI

CHK BY: BI

ALTMAP LAND SURVEYORS INC.
222 FINCH AVE W, UNIT 212, TORONTO, ON M2R 1M6
TEL: 416 990 3001 INFO@ALTMAP.CA

JOB No.: 23-2754

