

Memorandum to the City of Markham Committee of Adjustment
May 23, 2024

File: A/035/24
Address: 56 Ladyslipper Court, Markham (Thornhill)
Applicant: Mehdy Ajvand
Hearing Date: Wednesday, June 5, 2024

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of The *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect.

The following comments are provided on behalf of the West District Team. The Owner is requesting relief from the following “Third Density Single Family Residential (R3)” zone requirements of By-law 1767, as amended, and “Residential Established Neighbourhood Low Rise (RES-ENLR) zone requirements of By-law 2024-19, as amended, as it relates to a proposed two-storey detached residential dwelling. The variances requested are to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2 l):** a west side yard setback of 1.54 metres, whereas the by-law requires a minimum of 1.8 metres and a combined interior side yard on both sides of 3.37 metres, whereas the by-law requires combined interior side yard setbacks on both sides of 4.0 metres;
- b) **By-law 2024-19, Section 6.3.2.2 c):** a main building coverage for the second storey of 25.5 percent (2,707 square feet), whereas the by-law permits a maximum second-storey coverage of 20 percent (2,120 square feet) of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2 e):** a maximum distance of the main building from the established building line for any storey above the first storey of 18.29 metres, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line;
- d) **By-law 2024-19, Section 4.8.9.2 a)i):** a minimum 1.2 metre landscape strip width made up of soft landscaping abutting the east interior side lot line, whereas the by-law requires a 1.5 metre landscape strip width made up of soft landscaping abutting interior side lot lines;
- e) **By-law 2024-19, Section 4.8.9.1 a):** a maximum of 26.4 square metres (17.4 percent) of hard landscaping in the front yard, whereas the by-law permits a maximum of 15 percent (22.8 metres square) of hard landscaping in the front yard;

By-law 1767

- a) **By-law 1767, Section 18 (i)(d)**: a minimum west interior side yard setback of 1.54 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres on each side;
- b) **By-law 1767, Amending By-law 100-90, Section 1.2 (iii)**: a maximum building depth of 22.93 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- c) **By-law 1767, Section 9(i)**: a front yard architectural feature/eaves/canopy encroachment of 36 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required yard;
- d) **By-law 1767, Amending By-law 100-90, Section 1.2 (vii)**: a maximum floor area ratio of 53.4 percent (4,919 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (4,525 square feet);

BACKGROUND

Property Description

The 984.5 m² (10,596 ft²) Subject Lands are located on the north side of Ladyslipper Court, south of the CN Rail Corridor and east of Bayview Avenue. 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 two-storey detached dwelling on the Subject Lands, which according to assessment records, was constructed in 1966. There are two neighbouring trees located along the west side yard, and one located in the front yard.

Proposal

The Owner is proposing to construct a new two-storey single detached dwelling with a gross floor area of 457.02 m² (4,919 ft²), as shown in Appendix "B".

Official Plan and Zoning

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

The Subject Lands are designated "Residential Low Rise", which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. The purpose of this development criteria is to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed

garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1767 and 2024-19, as amended

The Subject Lands are zoned “Third Density Single Family Residential (R3)” zone requirements of By-law 1767 and “Residential Established Neighbourhood Low Rise (RES-ENLR) zone requirements of By-law 2024-19, as amended. The proposed development does not comply with By-law 1767 with respect to west side yard setback and a front yard architectural feature/eaves/canopy encroachment of 36 inches. The proposed development does not comply with By-law 2024-19 with respect to the west side yard setback, main building coverage for the second storey, maximum distance of the main building from the established building line for any storey above the first storey, landscape strip width made up of soft landscaping, and hard landscaping in the front yard.

Residential Infill Zoning By-law 100-90, as amended

This property is also subject to Residential Infill Zoning By-law 100/90, as amended. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The Owner completed a Zoning Preliminary Review (ZPR) on March 19, 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.

Reduced Side Yard Setback

The Owner is requesting relief to permit a west side yard setback of 1.54 metres (5.05 feet), whereas a minimum of 1.8 metres (5.9 feet) is required, and a combined interior side yard on both sides of 3.37 metres (11.06 feet), whereas of 4.0 metres (13.12 feet) is required. This represents a west side yard setback reduction of 0.26 metres (0.85 feet) and a combined interior side yard setback reduction on both sides of 0.63 metres (2.07 feet).

The intent of the side yard setback requirements is to provide adequate spacing between dwellings for drainage and appropriate building massing. Staff are of the opinion that the reduced west side yard setback will provide an adequate area for drainage and will not adversely impact the abutting property at 54 Ladyslipper Court.

Increase in Maximum Building Coverage

The Owner is requesting to permit a maximum second-storey building coverage of 25.5 percent (2,703 square feet), whereas a maximum of 20 percent (2,120 square feet) of the lot area is permitted. The intent of the maximum building coverage requirements include but are not limited to ensuring appropriate angular planes and to maintain the built form and character of the neighbourhood.

The proposed second-storey building coverage includes the second-storey balcony/rear unenclosed canopy which adds approximately 49.68 square metres (534.75 square feet) to the overall second-storey building coverage area. The accessible area of the second-storey balcony is limited to 1.8 metres (5.91 feet) from the rear building wall. Excluding the rear unenclosed canopy, the proposed second-storey building lot coverage is approximately 20.46 percent (2,168.25 square feet), which is generally consistent with what the By-law permits.

Given that the proposed second-storey building coverage does not extend beyond the building footprint, the proposed increase in the second-storey building coverage will not significantly add to the scale and massing of the dwelling and the resultant dwelling is generally consistent with what the By-law permits. Staff are of the opinion that the requested variance is minor in nature.

Increase in Maximum Distance from Established Building Line

The Owner is requesting to permit a maximum distance of the main building from the established building line for any storey above the first storey of 18.29 metres (60 feet), whereas a maximum distance of 14.5 metres (47.57 feet) for any storey above the first from the established building line is permitted. This represents an increase of 3.79 metres (12.43 feet).

The intent of the maximum distance from the established building line for any storey above the first includes, but is not limited to, consideration for sunlight/shadowing, and the built form and character of the neighbourhood. Staff are of the opinion that the proposed extension to a distance of 18.29 metres (60 feet) for the second storey will not adversely impact the overall scale and massing of the structure. The resultant building remains generally consistent with the intent of the By-law, as it preserves the uniformity and character of the streetscape. Staff are of the opinion that the proposed maximum distance of the main building from the established building line for any storey above the

first storey is minor in nature, will have limited impact on the streetscape and therefore have no concern with the requested variance.

Reduction in Landscape Strip Width

The Owner is requesting to permit a landscape strip width of 1.2 metres (3.94 feet) made up of soft landscaping abutting the east interior side lot line, whereas the By-law requires a landscape strip width of 1.5 metres (4.92 feet) made up of soft landscaping abutting interior side lot lines. This represents a reduction of 0.3 metres (approximately 1 foot).

The intent of requiring a minimum landscape strip width of 1.5 metres (3.94 feet) for interior side lot lines includes providing a buffer between properties for privacy purposes, provide for opportunities for stormwater management and absorption, and overall provide a habitat for local vegetation such as flora and fauna.

Staff are of the opinion that the proposed landscape strip width of 1.2 metres (3.94 feet) does not significantly deviate from the minimum required width of 1.5 metres and will not negatively impact the aesthetic quality or ecological function of the landscaping strip. The reduction of 0.3 metres (approximately 1 foot) is minimal and does not compromise the intended buffer function. Staff are of the opinion that the proposed reduction in the landscape strip width is minor in nature, and therefore have no concern with the requested variance.

Increase in the Maximum Hard Landscaping

The Owner is requesting to permit 17.4 percent (26.4 square metres) of the front yard as hard landscaping, whereas a maximum of 15 percent (22.8 square metres) is permitted. This represents an increase of 13.6 percent (3.6 square metres).

The proposed hard landscaping includes a walkway and driveway extension which will add approximately 12.56 square metres (135.19 square feet) to the overall hard landscaping area. The walkway width is limited to 1.52 metres (5 feet), ensuring it does not overly impact the front yard space. ensuring it does not dominate the front yard space. Excluding the walkway, the proposed hard landscaping area is approximately 9.15 percent (13.84 square metres), which is consistent with what the By-law permits.

Staff are of the opinion that the proposed increase in hard landscaping will not significantly detract from the green space of the front yard, is minor in nature, and therefore have no concern with the requested variance.

Increase in Maximum Building Depth

The Owner is requesting relief to permit a maximum building depth of 22.93 metres (75.23 feet), whereas a maximum building depth of 16.80 metres (55.12 feet) is permitted. This represents an increase of approximately 6.13 metres (20.11 feet).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The proposed building depth variance includes a rear covered canopy/concrete deck and a front covered porch which adds approximately 5.56 metres (18.24 feet) to the overall depth of the building. Excluding the rear covered canopy/concrete deck and a front covered porch, the proposed building depth is 17.37 metres (56.99 feet). This represents an increase of 0.57 metres (1.87 feet), which is generally consistent with what the By-law permits.

Staff are of the opinion that the proposed building depth is minor in nature, will have limited impact and therefore have no concern with the requested variance.

Front Yard Architectural Feature/Eaves Encroachment

The Owner is requesting relief for a front yard architectural feature/eaves encroachment of 36 inches, whereas a maximum encroachment of 18 inches is permitted into the required yard.

Staff are of the opinion that the proposed encroachment is minor in nature, and will not adversely impact the streetscape or the spatial quality of the front yard. Consequently, staff has no concern with the requested variance.

Increase in Maximum Floor Area Ratio

The Owner is requesting relief to permit a floor area ratio of 53.40 percent (4,919 square feet), whereas a maximum floor area ratio of 50 percent (4,525 square feet) is permitted. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 457.02 square metres (4,919 square feet), whereas the By-law permits a dwelling with a maximum floor area of 420.39 square metres (4,525 square feet). This represents an increase of approximately 36.63 square metres (394.28 square feet), above what is permitted by the By-law.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area; however, it is not a definitive measure of the mass of the dwelling. Given that the proposed gross floor area includes the garage and rear concrete deck (due to the living space below), the figures for gross floor area are higher than what is represented in terms of the massing. The actual living space excluding the garage is approximately 418 m² (4,499 ft²), which is 49.7 percent of the net lot area.

Staff are of the opinion that the proposed maximum floor area ratio is compatible with development on the street, have no concern with the requested variance

and that the proposed dwelling will be generally consistent with what the By-law permits.

Metrolinx Comments

Metrolinx provided advisory comments on this application on May 14, 2024 (Appendix D), requiring a list of mitigation measures be implemented to attenuate the impact generated by the railway located north of the Subject Lands.

CN Rail Requirements

CN Rail provided advisory comments on this application on May 13, 2024 (Appendix E), requiring a list of mitigation measures be implemented to attenuate the impact generated by the railway located north of the Subject Lands.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 30, 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 request variances meet the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Owner 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 “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



Rick Cefaratti, MCIP RPP, Senior Planner, West District

APPENDICES

Appendix “A” – Aerial Context Photo

Appendix "B" – Plans
Appendix "C" – A/035/24 Conditions of Approval
Appendix "D" – Metrolinx Comments
Appendix "E" – CN Rail Comments



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Parcel

- Park Facility
- Parks
 - Under Development
 - <all other values>

1: 1,128



57.3 0 28.65 57.3 Meters

Notes

56 LADYSLIPPER CRT.

LOT 13 REGISTERED PLAN M-1095 CITY OF MARKHAM (Regional Municipality of York)

THE INFORMATION FOR THIS SITE PLAN HAS BEEN OBTAINED FROM A COPY OF A SURVEY PLAN PREPARED BY MANDARIN SURVEYORS DATED JULY 26, 2023. THE INFORMATION SHOWN HEREON, INCLUDING GRADES SHALL NOT BE USED FOR ANY LEGAL / ZONING / OR CONSTRUCTION PURPOSE WITHOUT CONFIRMING THE ACCURACY THEREOF BY REFERENCE TO THE APPLICABLE SURVEY.

GENERAL SITE INFORMATION

- REFER TO ALL APPLICABLE LANDSCAPING & SEPTIC SYSTEM PLANS & SPECIFICATIONS TO BE SUPPLIED BY OWNER FOR ADDITIONAL, DETAILED SITE RELATED WORKS AND INFORMATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND CONNECTION FEES AND PERMITS REQUIRED FOR BUILDING SERVICES, INCLUDING ENTRANCES, HYDRO, WELL, SEPTIC, TELEPHONE, ETC. AS WELL AS THE INSTALLATION OF SUCH BUILDING SERVICES.
- ALL ENTRANCE AND EXIT RAMPS ACROSS BOULEVARDS SHALL BE PAVED OR OTHERWISE FINISHED TO APPLICABLE MUNICIPAL STANDARDS AND SPECIFICATIONS.
- WHERE PAVING IS INDICATED, ALL DRIVE AND PARKING SURFACES SHALL BE PAVED WITH 100mm HOT MIXED, HOT LAID, ASPHALT (25mm HL3) & (75mm HL8) ON MINIMUM 150mm GRANULAR "A" & 300mm GRANULAR "B".
- ALL FILL & GRAUNULAR MATERIAL UNDER DRIVES, PARKING AREAS, AND SIDEWALKS SHAL BE COMPACTED TO 100% S.P.M.D.D. (MIN. 8" GRANULAR)
- UNLESS OTHERWISE AGREED TO IN WRITING, THE OWNER ASSUMES RESPONSIBILITY FOR THE SUITABILITY OF ALL SOIL CONDITIONS. ALL DESIGNS HAVE BEEN BASED ON THE EXISTING UNDISTURBED SOIL HAVING AN ALLOWABLE BEARING CAPACITY OF 4000 P.S.F.
- ALL UTILITIES WHICH OBSTRUCT ENTRANCES SHALL BE RELOCATED AS REQUIRED TO APPLICABLE AUTHORITIES SPECIFICATIONS.
- ALL SITE WORKS SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH CITY OF MARKHAM STANDARDS, SPECIFICATIONS, AND DETAILS WHICH SHALL BE DEEMED TO FORM PART OF THIS SITE PLAN.
- ALL SURFACE DRAINAGE SHALL BE CONFINED WITHIN THE BOUNDRAIES OF THE OWNER'S PROPERTY EXCEPT AS SPECICALLY INDICATED.
- EXISTING GRADING & DRAINAGE PATTERNS SHALL NOT BE ALTERED OR DISTURBED IN ANY WAY EXCEPT AS SHOWN IN THE AREA OF THE NEW RESIDENCE AND ASSOCIATED DRIVEWAY, ETC.
- MINIMUM SLOPES FOR GRASSED AREAS 1.5%, MINIMUM SLOPES FOR PAVED OR SURFACED AREAS 1.0% (EXCEPT AS SHOWN OTHER WISE.)

BUILDING AND ZONING

THE SUBJECT PROPERTY IS ZONED "R3 - SINGLE DETACHED RESIDENTIAL, UNDER BY-LAW 1767."

Site Analysis

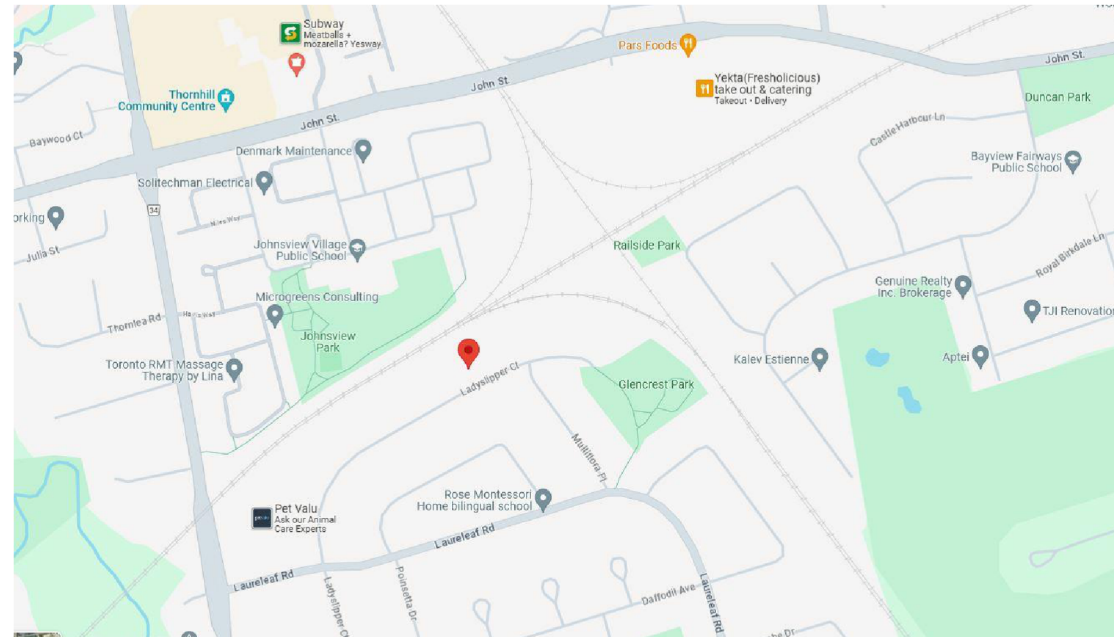
Lot Frontage	18.29 m	
Lot Area	984.5 m ²	10597 s.f.
Main Lot Area	696.77 m ²	7500 s.f.
Net Lot Area	840.59 m ²	9048 s.f.
Average Grade of CL of Road	169.26	
Establish Grade (170.44, 170.51)	170.48	

Setbacks

	Allowed	Proposed
Front Yard Setback	8.33 m	8.33 m
Side Setback(West)	1.8 m	1.54 m
Side Setback(East)	1.22 m	1.83 m
Rear Yard Setback	7.62 m	22.89 m
Building Length	16.8 m	22.45 m
Building Depth	16.8 m	22.45 m
Building Height	7 m	6.8 m

Building Area Analysis

	Metric	Imperial
Lot Coverage % 35.5	298.11 m ²	3208.86 ft ²
1st Floor	200.91 m ²	2163 ft ²
2nd Floor	217.22 m ²	2338 ft ²
Garage	38.89 m ²	419 ft ²
Gross Floor Area(GFA)	457.02 m ²	4919 ft ²
Cellar	250.39 m ²	2695 ft ²
Floor Space Index(FSI)	54.2	
Provided Parking Spaces	2	



Appendix B

File: 24.167868.000.00.MNV
Date: 5/30/2024
MM/DD/YY

Project:

56 Ladyslipper Crt.
MARKHAM ONTARIO

Submission Chart

No.	Date:	Issued For:	By:
1	23-12-19	CLIENT REVIEW	
2	24-02-01	CLIENT REVIEW	
3	24-02-07	CLIENT REVIEW	
4	24-02-12	ZONING REVIEW	
5	24-03-26	AS PER CITY	
6			
7			
8			
9			

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HYPHEN STUDIO

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info@Hyphenstudio.co
(+1)647-869-9356 (+1)647-9796879

Sheet Title:

SITE ANALYSIS

Drawn: ARCH
Checked: Checker
Project No: 19-162
Date: DEC 2019
Scale: As indicated

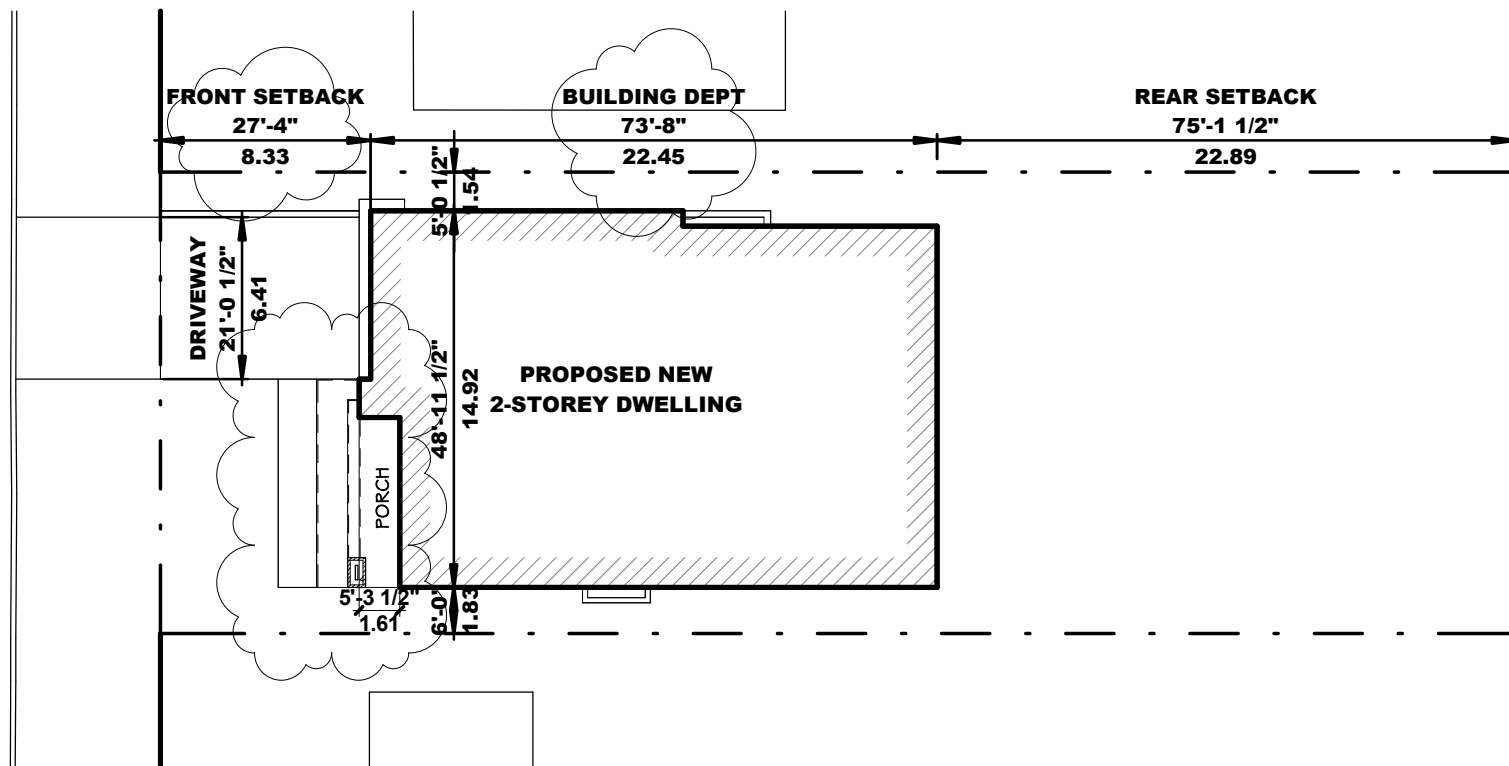
Sheet No:

A00-00

1 LAND TABLE PLAN

Scale: 1 : 300

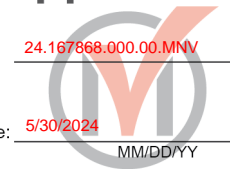
LADYSLIPPER COURT



Appendix B

File: 24.167868.000.00.MNV

Date: 5/30/2024
MM/DD/YY



Project:

56 Ladyslipper Crt.
MARKHAM ONTARIO

Submission Chart

No.	Date:	Issued For:	By:
1	24-03-26	AS PER CITY	
2			
3			
4			
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7			
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9			

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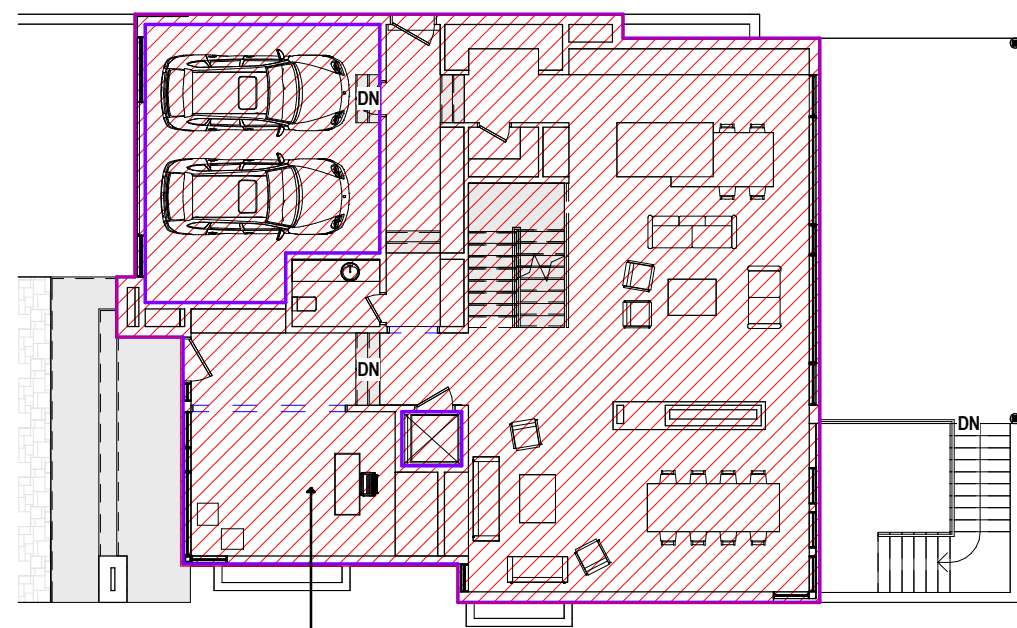
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AREA PLANS

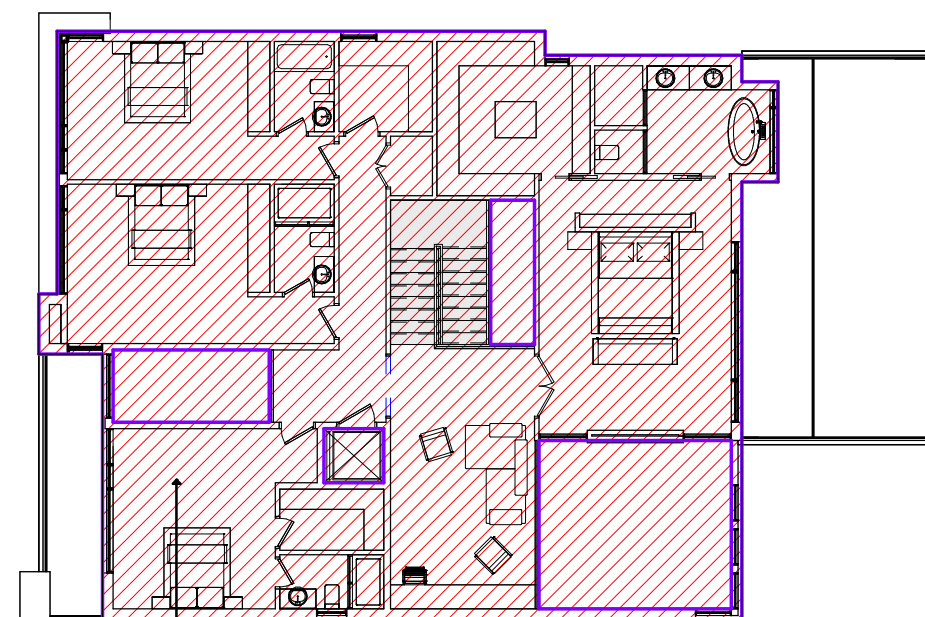
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Checked: Checker
Project No: 19-162
Date: DEC 2019
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Sheet No:

A00-00a

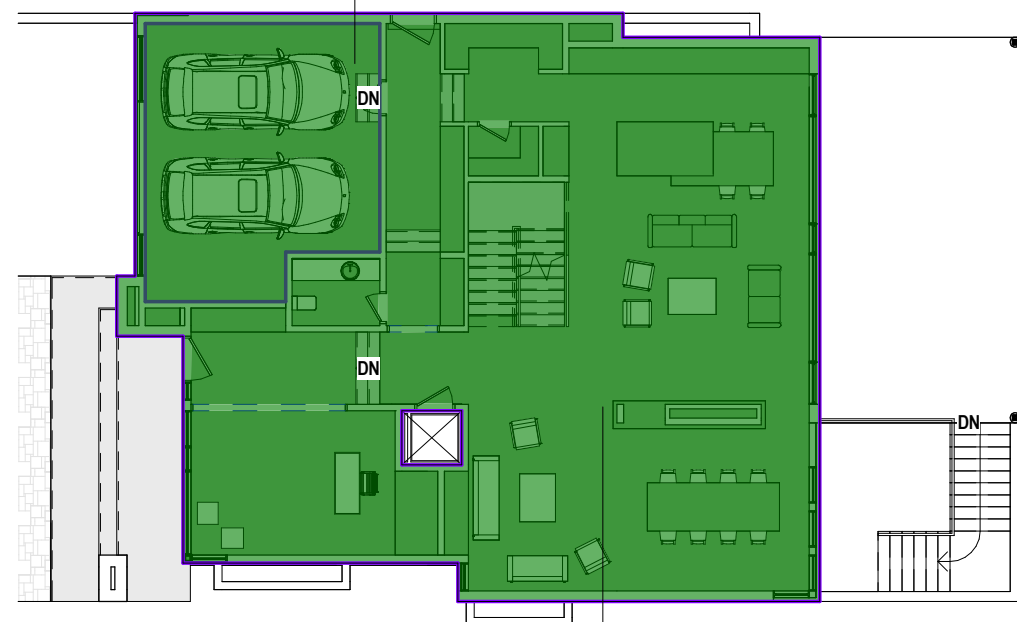


1st FLOOR COVERAGE=2612 ft²
242.70 m² (24.64%)



2nd FLOOR COVERAGE=2707 ft²
251.45 m² (25.54%)

Garage
418.63 ft²
38.89 m²



1st Floor
2162.53 ft²
200.91 m²

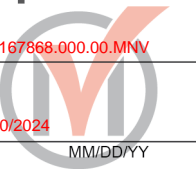


2nd Floor
2338.13 ft²
217.22 m²

Appendix B

File: 24.167868.000.00.MNV

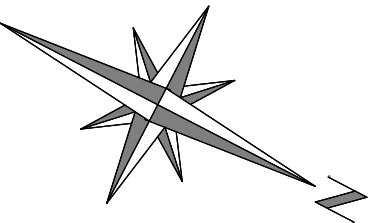
Date: 5/30/2024
MM/DD/YY



REGISTERED
SUBJECT TO AN EASEMENT IN FAVOUR
PART 12, PLAN R-2605
SUBJECT TO AN EASEMENT IN FAVOUR
OF THE HYDRO-ELECTRIC POWER COMMISSION
OF THE PROVINCE OF ONTARIO
SET OUT IN INST. No. LB174730
PART 14, PLAN R-2605

LOT 12
PIN 03014-0034

LOT 14
PIN 03014-0036



No. 54
1 STOREY
BRICK DWELLING
D.S.=171.78

No. 58
1 STOREY
BRICK DWELLING
D.S.=171.78

**PROPOSED
NEW
2-STOREY
DWELLING
FFE-170.60**

EXIST. BUILDING TO BE REMOVED

CONC. DECK
170.96

WALK OUT
167.66

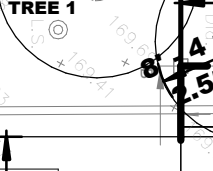
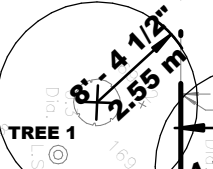
EXIST. SHED TO BE
REMOVED

EXIST. SHED TO BE
REMOVED

Pool fencing as per By
Law By-law 2015-96

Pool fence gate as per
By Law By-law 2015-96

SWIMMING
POOL



FRONT SETBACK
27'-4"
8.33

BUILDING DEPT
73'-8"
22.45

REAR SETBACK
75'-1 1/2"
22.89

SITE SETBACK
5'-0 1/2"
1.54

SIDE SETBACK
6'-0"
1.83

LADSCAPING

HRAD LANDSCAPING
(12.6m²)

LADSCAPING

LADSCAPING

ASPHALT DRIVEWAY

ASPHALT DRIVEWAY

ASPHALT DRIVEWAY

CONC. PORCH

CONC. PORCH

WOOD SHED

WOOD SHED

TREE 1

TREE 2

TREE 3

TREE 4

N27°21'30"W

N27°21'30"W

N62°38'30"E

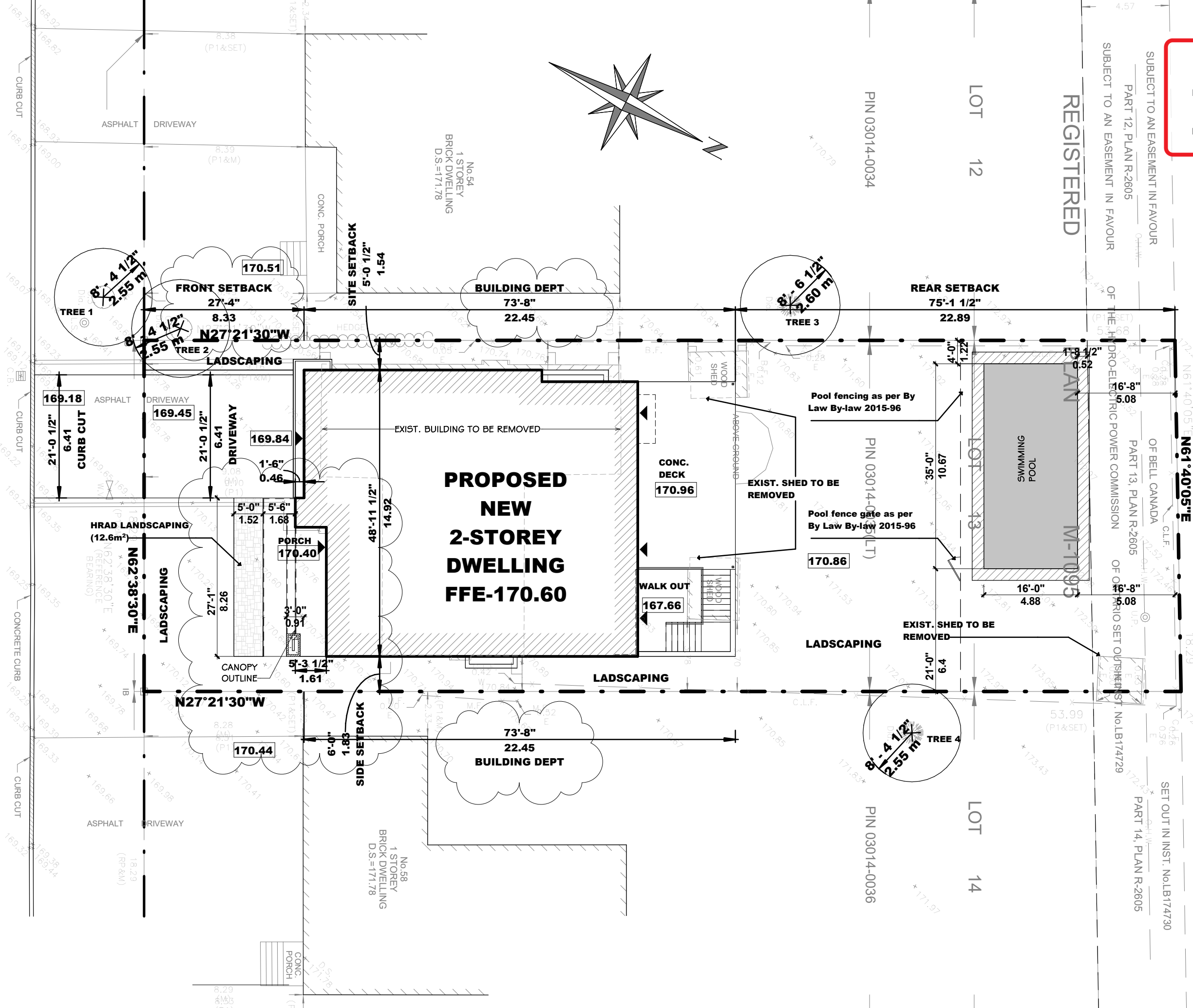
N61°40'05"E

LADYSLIPPER COURT

COURT

LADYSLIPPER COURT

CURB CUT
CENTRELINE OF ROAD
CONCRETE CURB



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MARKHAM ONTARIO

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HYPHEN STUDIO

3429 Yonge St., Toronto, ON, M4N 2N1
info@hyphenstudio.co
(+1)647-869-9356 (+1)647-9796879

Sheet Title: **ROOF PLAN**

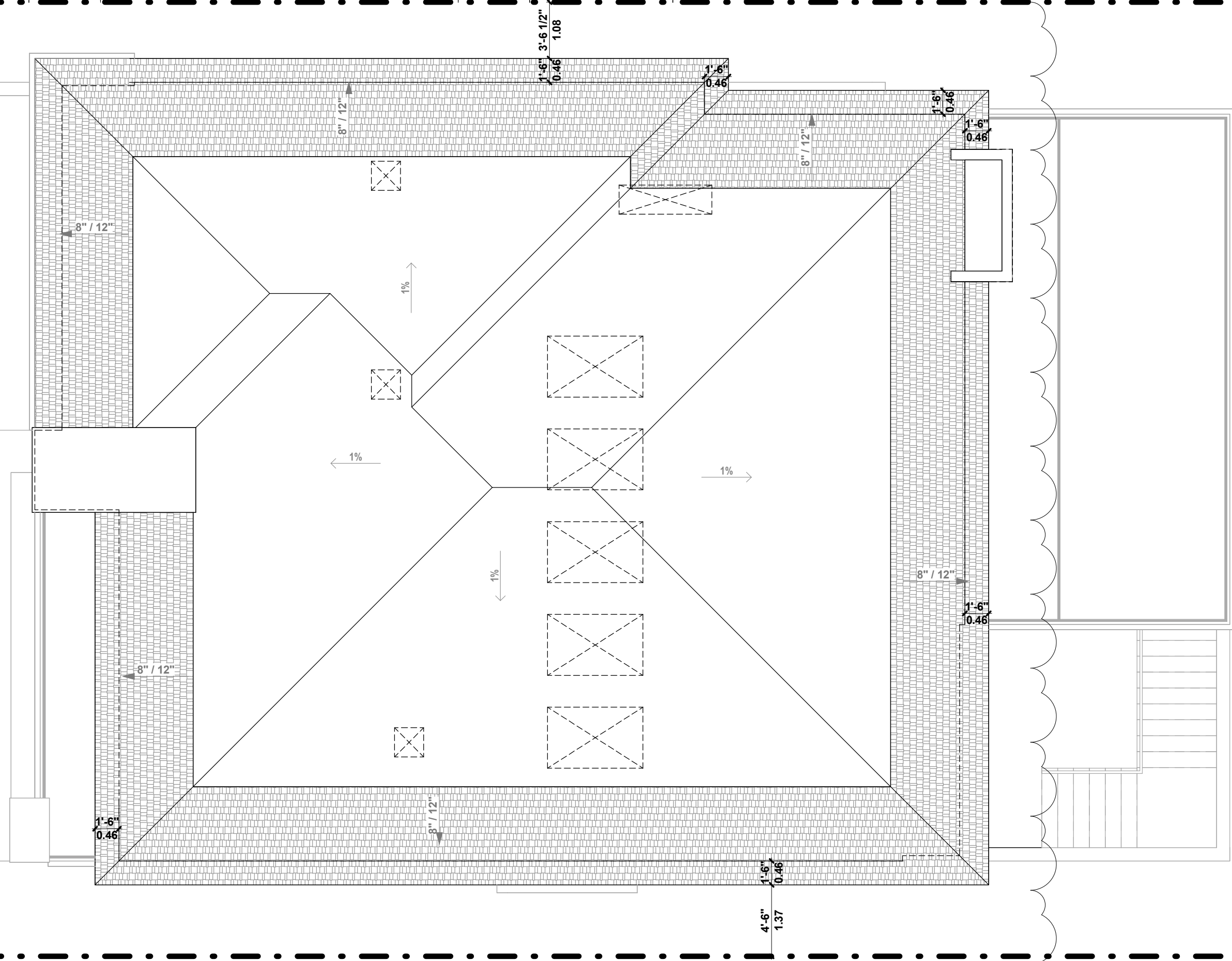
Drawn: ARCH
Checked: Checker
Project No: 19-162
Date: DEC 2019
Scale: As indicated

Sheet No: **A01-04**

1 ROOF PLAN

Scale: 1 : 75

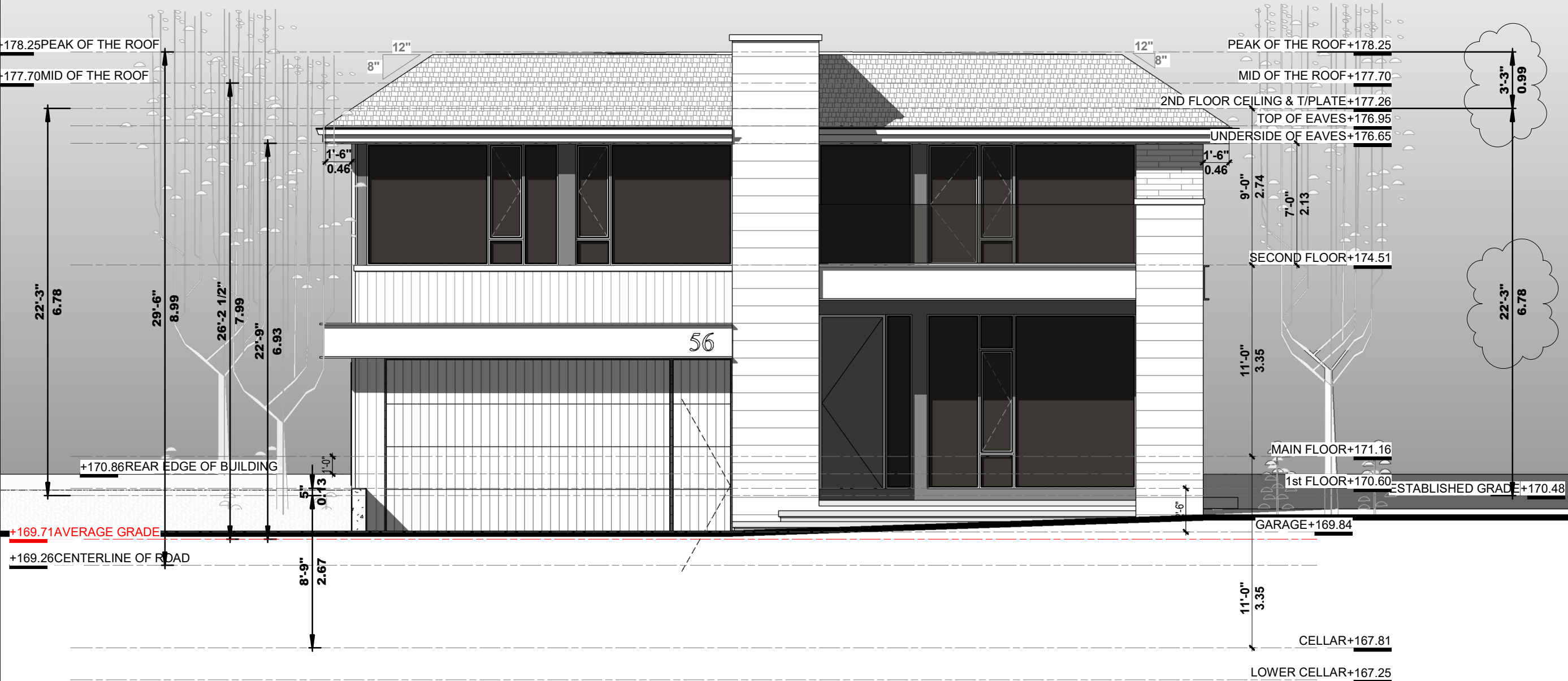
TOTA ROOF AREA= 3008 SF
FLAT ROOF AREA= 1857 SF (61.73%)



Appendix B

File: 24.167868.000.00.MNV

Date: 5/30/2024
MM/DD/YY



1 SOUTH ELEVATION

Scale: 1 : 75

Project:

56 Ladyslipper Crt.
MARKHAM ONTARIO

Submission Chart

No.	Date:	Issued For:	By:
1	23-11-22	CLIENT REVIEW	
2	23-12-19	CLIENT REVIEW	
3	24-02-01	CLIENT REVIEW	
4	24-02-07	CLIENT REVIEW	
5	24-02-12	ZONING REVIEW	
6	23-03-27	AS PER CITY	
7			
8			
9			

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Sheet Title:

MAIN ELEVATION

Drawn: ARCH
Checked: Checker
Project No: 19-162
Date: DEC 2019
Scale: 1 : 75

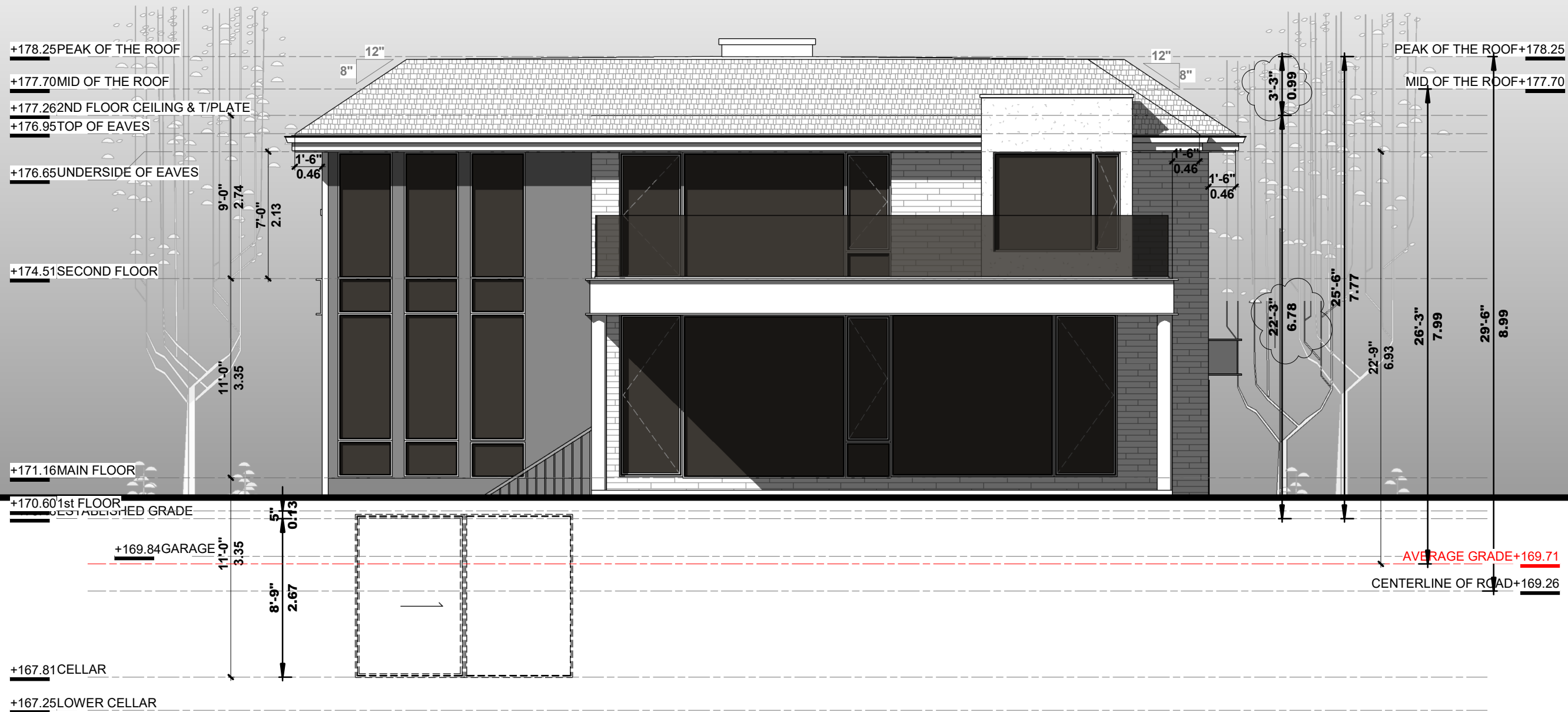
Sheet No:

A02-01

Appendix B

File: 24.167868.000.00.MNV
 Date: 5/30/2024
 MM/DD/YY

TOTAL ELEVATION AREA: 1140 ft²
 TOTAL GLAZING AREA: 25 ft²



Project: **56 Ladyslipper Crt.**
 MARKHAM ONTARIO

Submission Chart

No.	Date:	Issued For:	By:
1	23-11-22	CLIENT REVIEW	
2	23-12-19	CLIENT REVIEW	
3	24-02-01	CLIENT REVIEW	
4	24-02-07	CLIENT REVIEW	
5	24-03-26	AS PER CITY	
6			
7			
8			
9			

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Sheet Title: **REAR ELEVATION**

Drawn: ARCH Sheet No:
 Checked: Checker
 Project No: 19-162
 Date: DEC 2019
 Scale: 1 : 75

A02-02

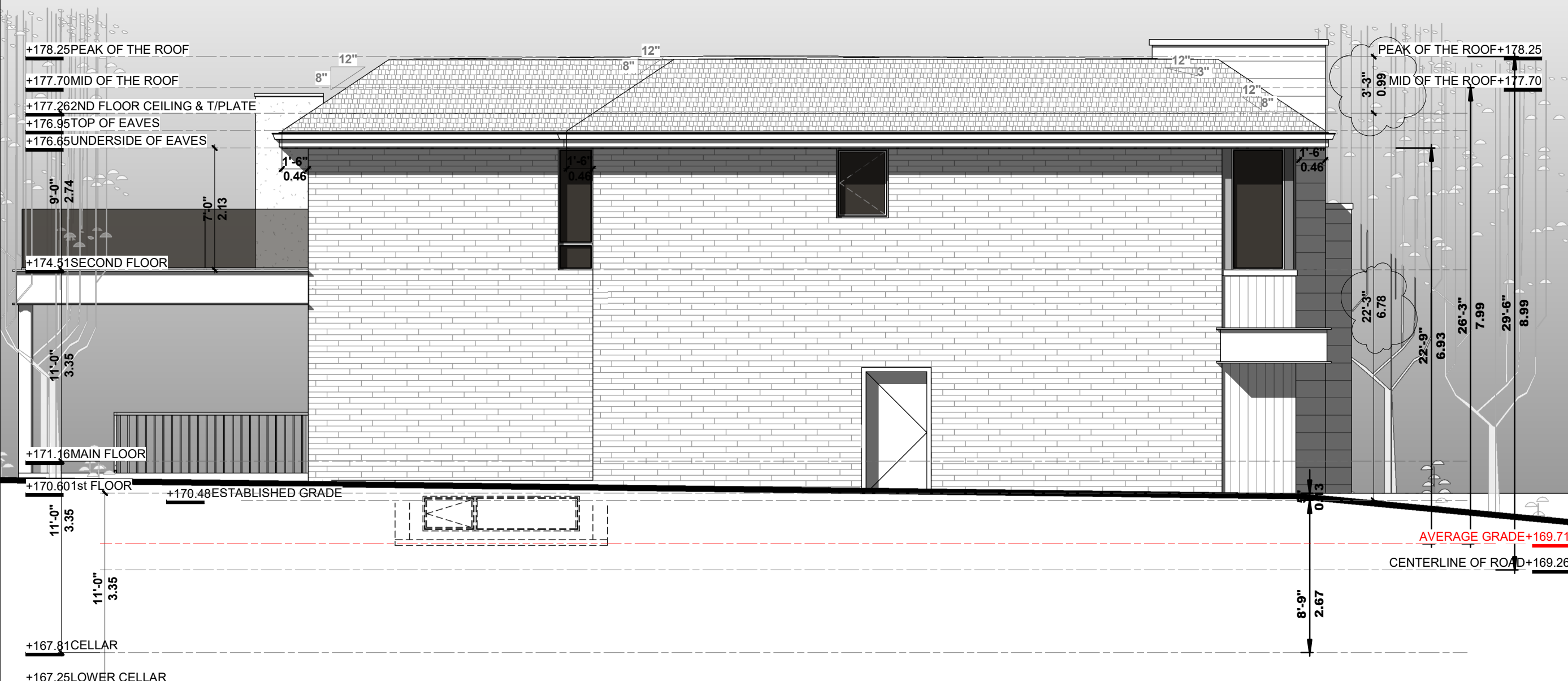
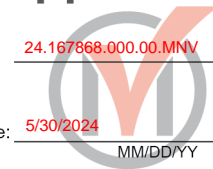
1 NORTH ELEVATION

Scale: 1 : 75

Appendix B

File: 24.167868.000.00.MNV

Date: 5/30/2024
MM/DD/YY



Project:

56 Ladyslipper Crt.
MARKHAM ONTARIO

Submission Chart

No.	Date:	Issued For:	By:
1	23-11-22	CLIENT REVIEW	
2	23-12-19	CLIENT REVIEW	
3	24-02-01	CLIENT REVIEW	
4	24-02-07	CLIENT REVIEW	
5	24-03-26	AS PER CITY	
6			
7			
8			
9			

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Sheet Title:

SIDE ELEVATION

Drawn: ARCH
Checked: Checker
Project No: 19-162
Date: DEC 2019
Scale: 1 : 75

Sheet No:

A02-03

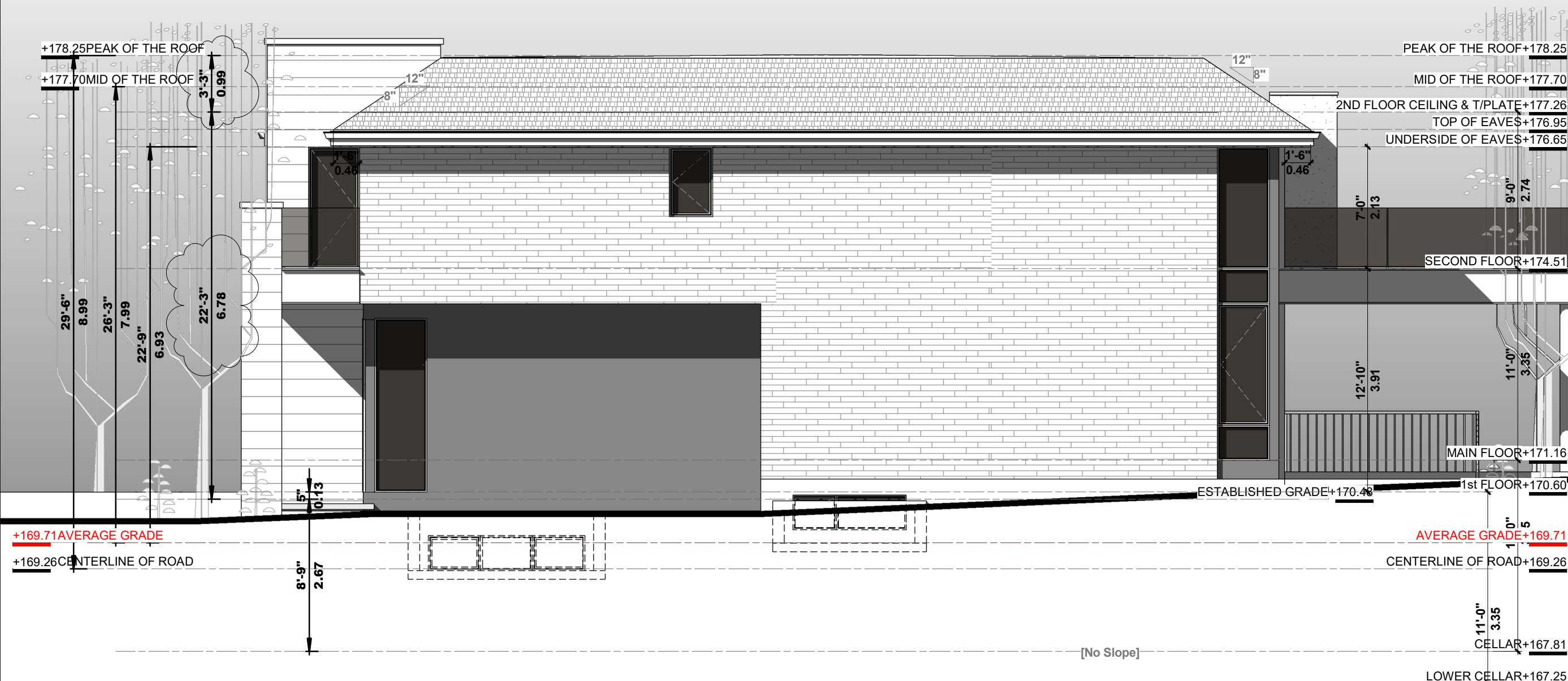
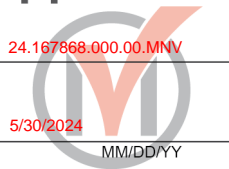
1 WEST ELEVATION

Scale: 1 : 75

Appendix B

File: 24.167868.000.00.MNV

Date: 5/30/2024
MM/DD/YY



Project: **56 Ladyslipper Crt.**
MARKHAM ONTARIO

Submission Chart

No.	Date:	Issued For:	By:
1	23-11-22	CLIENT REVIEW	
2	23-12-19	CLIENT REVIEW	
3	24-02-01	CLIENT REVIEW	
4	24-02-07	CLIENT REVIEW	
5	24-03-26	AS PER CITY	
6			
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(+1)647-869-9356 (+1)647-9796879

Sheet Title: **SIDE ELEVATION**

Drawn: ARCH Sheet No:
Checked: Checker
Project No: 19-162
Date: DEC 2019
Scale: 1 : 75

A02-04

1 EAST ELEVATION

Scale: 1 : 75

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY OF

Appendix B

SCALE 1:200
File: 24.167868.000.00.MNV 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
Date: 5/30/2024

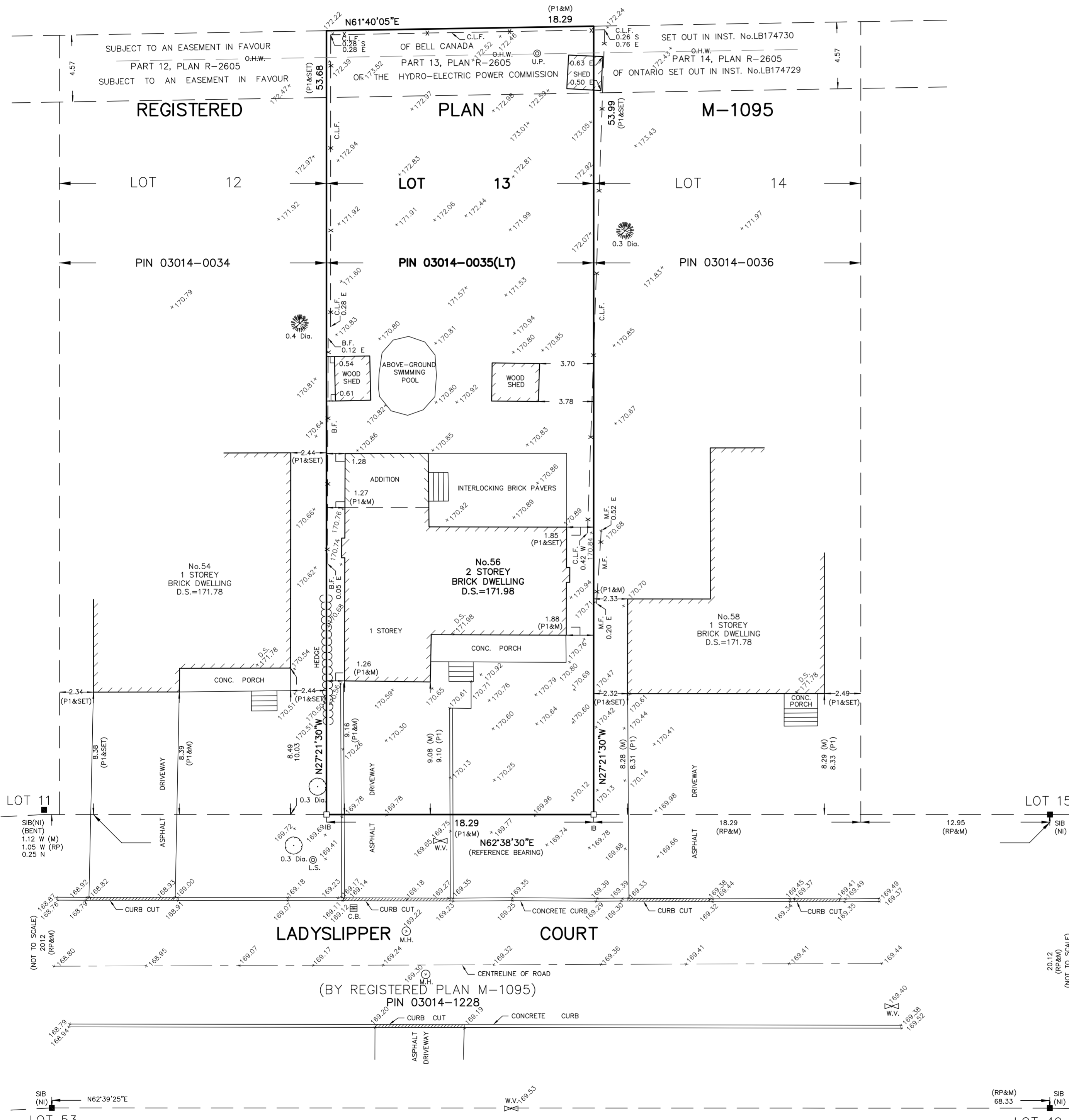
LEGEND MM/DD/YY

□	DENOTES MONUMENT SET
■	DENOTES MONUMENT FOUND
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
RP	DENOTES REGISTERED PLAN M-1095
P1	DENOTES PLAN OF SURVEY BY C. REUBEN, O.L.S. DATED MAY 16, 1966
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
C.L.F.	DENOTES CHAIN LINK FENCE
B.F.	DENOTES BOARD FENCE
OU	DENOTES ORIGIN UNKNOWN
NI	DENOTES NOT IDENTIFIABLE
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
CONC.	DENOTES CONCRETE
⊙ L.S.	DENOTES LIGHT STANDARD
⊙ W.V.	DENOTES WATER VALVE
⊙ M.H.	DENOTES MAN HOLE
⊙ C.B.	DENOTES CATCH BASIN
⊙	DENOTES CONIFEROUS TREE
⊙	DENOTES DECIDUOUS TREE

PIN 03014-1420

LOT 4, CONCESSION 2

CANADIAN NATIONAL RAILWAY



ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF LADYSLIPPER COURT AS SHOWN ON REGISTERED PLAN M-1095, HAVING A BEARING OF N62° 38' 30\"/>

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092083007, HAVING AN ELEVATION OF 163.034 M. BRASS CAP SET ON CONCRETE SIDEWALK, 6.2m WEST OF LAURELEAF ROAD, 18.0m SOUTH OF DAFFODIL AVENUE.

PART 2 (SURVEY REPORT)

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO AN EASEMENT IN FAVOUR OF BELL CANADA SET OUT IN INST. No.LB174730 SUBJECT TO AN EASEMENT IN FAVOUR OF THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO SET OUT IN INST. No.LB174729
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, WESTERLY AND EASTERLY LIMITS OF THE SUBJECT PROPERTY. NOTE THE LOCATION OF THE SHED.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

THIS REPORT WAS PREPARED FOR RIZVI, SYED AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JULY, 2023

JULY 26, 2023
DATE

Z. ZENG
ONTARIO LAND SURVEYOR



MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYORS.COM

2400 MIDLAND AVENUE #121 TORONTO, ONTARIO, M1S 5C1
PHONE: (647)430-1366
E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: J.Z. SURVEY BY: S.W. CAD No: 23-273SRPR JOB No: 2023-273

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2209818



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).

APPENDIX “C” - A/035/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/035/24

1. The variances apply only to the proposed development as long as it remains; and
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.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office



To: Shawna Houser, Secretary-Treasurer, Committee of Adjustment, City of Markham
From: Third Party Projects Review GO Expansion and LRT - Adjacent Developments
Metrolinx
Date: May 14th, 2024
Re: A/035/24 - 56 Ladyslipper Crt, Thornhill

Metrolinx is in receipt of the Minor Variance application for 56 Ladyslipper Crt, Thornhill, to construct a new 2 storey detached house. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CN York and Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Best regards,
Farah Faroque
Project Analyst, Third Party Projects Review
Metrolinx
10 Bay Street | Toronto | Ontario | M5J 2N8

From: [Alexandre Thibault](#) on behalf of [Proximity](#)
Sent: Monday, May 13, 2024 11:59 AM
To: [O'Sullivan, Erin](#)
Subject: 2024-05-13_CN Comments_Markham_A/035/24 - 56 Ladyslipper Court - Minor Variance
Attachments: Circulation Memo - A.035.34 - 56 Ladyslipper Court.pdf; Plans - A.035.24 - 56 Ladyslipper Court.pdf

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Hello Erin ,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. [Guidelines for New Development in Proximity to Railway Operations](#) reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
- Where the standard berm and setback are not technically or practically feasible, due for example, to site conditions or constraints, then a Development Viability Assessment should be undertaken by the proponent to evaluate the conditions specific to the site, determine its suitability for development, and suggest alternative safety measures such as crash walls or crash berms.
- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling unit:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Here are other conditions that CN encourages to incorporate in the eventuality that the municipality is not implementing the noise and vibration study as a condition:

- The implementation of the following mitigation measures in the dwelling design and construction:
 - Forced air ventilation systems with central air conditioning,
 - The exterior provision wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades,
 - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,
 - Locating noise sensitive rooms away from the railway side,
 - Future dwellings projected within 75m of CN right of way shall be constructed to include 12-inch (approximately 300 mm) thick poured concrete foundation walls, with 50 mm thick polyethylene foam or 100 mm thick polystyrene foam as the resilient material used for the entire foundation perimeter.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling unit:

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

CN anticipates the opportunity to review a detailed site plan, a noise and vibration study taking into consideration the [Guidelines for New Development in Proximity to Railway Operations](#) Developed by the Federation of Canadians Municipalities and the Railway Association of Canada.

Thank you and do not hesitate to contact me with any questions.

Best regards,

Alexandre Thibault, B.Sc. Urb

Urbaniste stagiaire / Urban Planner Intern (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca
wsp.com

From: O'Sullivan, Erin <EOSullivan@markham.ca>
Sent: Wednesday, May 1, 2024 2:16 PM
To: Cefaratti, Rick <RCefaratti@markham.ca>; Mohammad, Hussnain <HMohammad@markham.ca>
Subject: A/035/24 - 56 Ladyslipper Court - Minor Variance

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Good Afternoon,

An ePLAN Minor Variance application has been received for [56 Ladyslipper Court](#) (A/035/24). Please see attached Circulation Memo and associated plans.

Thank you,

Erin O'Sullivan
Development Technician, Committee of Adjustment
905-477-7000, Extension 2064

City of Markham Planning and Urban Design Department
101 Town Centre Boulevard, Markham ON L3R 9W3
markham.ca

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