

Memorandum to the City of Markham Committee of Adjustment

April 14, 2023

File: A/038/23
Address: 41 Galsworthy Drive, Markham
Applicant: 1000183958 Ontario Inc. (Grumeet Minhas)
Agent: Zero Degree Studio Inc. (Roy Chan)
Hearing Date: Wednesday, April 19, 2023

The following comments are provided on behalf of the East District team:

The Applicant is requesting relief from the following “Single Family Detached Dwelling (R1)” zone requirements of By-law 1229, as amended, as it relates to a proposed two-storey single detached dwelling. The variance requested is to permit:

- a) **Amending By-law 99-90, Section 1.2 (i):**
a maximum building height of 10.1 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Amending By-law 99-90, Section 1.2 (ii):**
a maximum depth of 20.68 metres, whereas the By-law permits a maximum depth of 16.8 metres;
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 53.58 percent, whereas the By-law permits a maximum of 45 percent.

BACKGROUND

Property Description

The 1,043.53 m² (11,232.46 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.

There is an existing 137.67 m² (1,481 ft²) one-storey detached dwelling on the Subject Lands which was constructed in 1957, according to assessment records. Mature vegetation exists on the property including several large mature trees within the front, side and rear yards.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling including a front and rear covered porch with approximately 443.86 m² (4,777.67 ft²) of gross floor area (refer to Appendix “B” – Plans).

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. This criterion is established 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 1229

The Subject Lands are zoned “Single Family Residential (R1)” under By-law 1229, as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 99-90

The Subject Lands are also subject to the Residential Infill Zoning By-law 99-90. 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 floor area ratio, maximum building height, and maximum building depth.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on January 24, 2023. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Floor Area Ratio

The Applicant is requesting relief to permit a floor area ratio of 53.58 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling including a front and rear covered porch with approximately 443.86 m² (4,777.67 ft²) of total gross floor area, whereas the By-law permits a dwelling with a maximum floor area of 372.75 m² (4,012.31 ft²). This represents an increase of approximately 71.11 m² (765.42 ft²).

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.

The building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. The proposed gross floor area is also consistent with the recent infill development trend, including a number of nearby infill homes in the surrounding area that have obtained variance approval for similar increase in floor area ratio ranging between 49.0 percent and 53.40 percent.

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

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 10.10 metres (33.14 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This represents an increase of 0.30 m (0.98 ft).

Staff are of the opinion that the proposed maximum building height is minor in nature and will not impact the streetscape and have no concern with the requested variance.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.68 m (67.84 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 3.88 m (12.73 ft).

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 variance includes a porch and rear covered veranda which adds approximately 4.0 m (13.12 ft) to the overall depth of the building. The main component of the building, excluding the porch and rear covered veranda, has a depth of 16.68 m (54.72 ft) which complies with the by-law requirement.

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

EXTERNAL AGENCIES

Metrolinx Comments

Metrolinx provided comments on March 27, 2023 (refer to Appendix "D"), requesting the Applicant enter into an agreement to grant Metrolinx an environmental easement for "Operational Emissions", registered on title against the subject residential dwelling in favour of Metrolinx, as the property is located within 300 m (984.25 ft) of the rail corridor right-of-way. Metrolinx has provided wording for the requested environmental easement which references details related to "Operational Emissions" as detailed in Appendix "D". Staff recommend that the proposed development be subject to the associated condition of approval provided in Appendix "C".

PUBLIC INPUT SUMMARY

No written submissions were received as of April 13, 2023. 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 variance request meets 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 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner, Zoning and Special Projects

REVIEWED BY:


Rectangular Snip

Stacia Muradali, Development Manager, East District

APPENDICES:

- Appendix A – Aerial Photo
- Appendix B – Plans
- Appendix C – Conditions
- Appendix D – Metrolinx

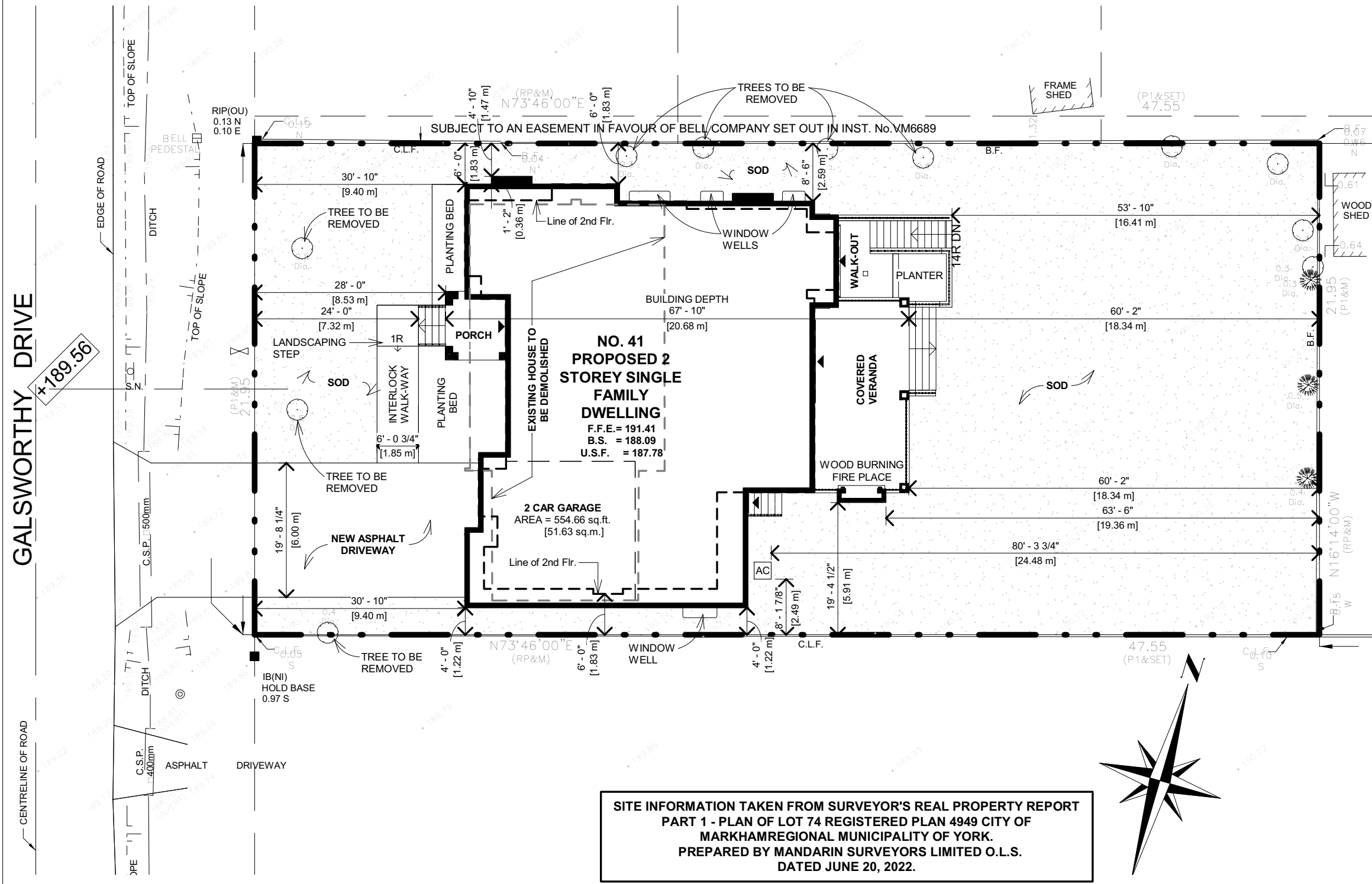
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Appendix B

File: 23.116178.000.00.MNV

Date: 04/14/23

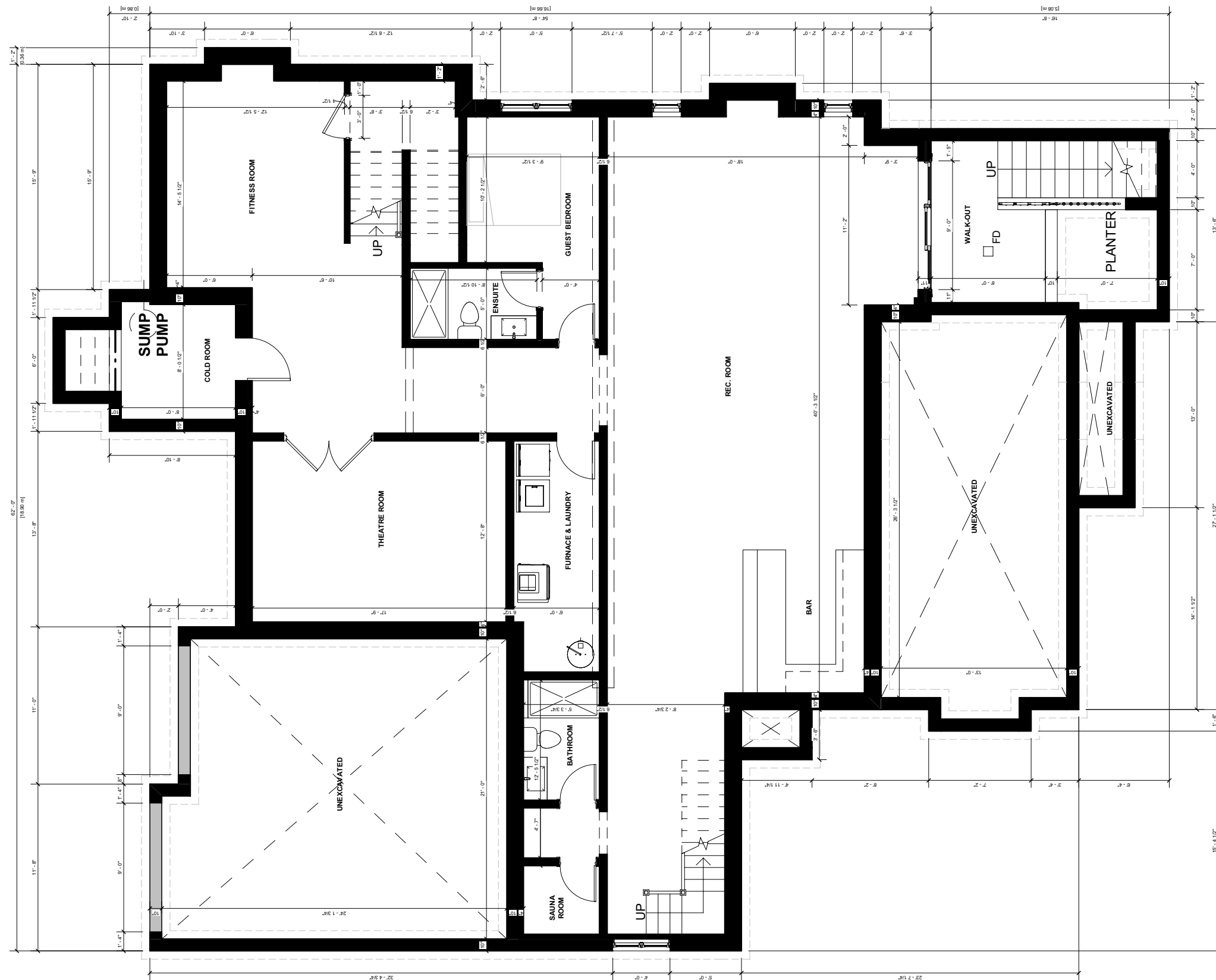
MM/DD/YY



ZONING STANDARDS	
ZONE 1229	R1 - Residential (By-law)
MINIMUM LOT AREA	6,600 sq.ft.
MINIMUM LOT FRONTAGE	60 ft
MAXIMUM COVERAGE	35 %
MAXIMUM NET FLOOR AREA RATIO	45 %
SETBACKS	
MINIMUM FRONT YARD	25 ft
MINIMUM REAR YARD	25 ft
MINIMUM SIDE YARD - One Storey Portion	4 ft
MINIMUM SIDE YARD - Two Storey Portion	6 ft
MAXIMUM BUILDING HEIGHT	9.8 m [32.15 ft]
MAXIMUM BUILDING DEPTH (includes porch and veranda)	16.8 m [65.62 ft]
SITE STATISTICS	
LOT AREA	1,043.53 sq.m. [11,232.49 sq.ft.]
LOT FRONTAGE	21.95 m [72.01 ft]
COVERAGE	
	29.59 %
	308.79 sq.m. [3,323.76 sq.ft.]
FRONT YARD AREA	220.86 sq.m. [2,377.30 sq.ft.]
DRIVEWAY AREA (26.33 %)	58.15 sq.m. [625.97 sq.ft.]
LANDSCAPED SOFT AREA (63.38%)	139.99 sq.m. [1,506.91 sq.ft.]
LANDSCAPED HARD AREA (10.28%)	22.71 sq.m. [244.42 sq.ft.]
PROPOSED HEIGHT	
	10.10m [33.14 ft]
G.F.A.	
1st Floor Area	215.02 sq.m. [2,314.48 sq.ft.]
Garage Area	48.81 sq.m. [525.40 sq.ft.]
2nd Floor Area	180.03 sq.m. [1,937.89 sq.ft.]
Total Area	443.86 sq.m. [4,777.77 sq.ft.]
NET FLOOR AREA RATIO	
= 4777.77 / (6600 + 1/2(11232.49 - 6600.00)) = 53.58 %	

No.	Description	Date	By	PROPOSED ADDITION	CONTRACTOR SHALL CHECK DIMENSIONS								
	<h1>41 Galsworthy Drive</h1>			MARKHAM, ON	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Drawn by</td> <td style="text-align: center;">RC</td> </tr> <tr> <td>Date</td> <td style="text-align: center;">2022-08-22</td> </tr> <tr> <td>Scale</td> <td style="text-align: center;">1 : 200</td> </tr> <tr> <td>Project Number</td> <td style="text-align: center;">22009</td> </tr> </table>	Drawn by	RC	Date	2022-08-22	Scale	1 : 200	Project Number	22009
Drawn by	RC												
Date	2022-08-22												
Scale	1 : 200												
Project Number	22009												

DRAWING NAME	SITE PLAN
SHEET NUMBER	<h1>A1</h1>
ZERO DEGREE STUDIO 280 SHIELDS COURT, UNIT B MARKHAM ON L3R 8V2 info@zerodegreestudio.ca	



Appendix B

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No.	Description	Date	By

PROPOSED ADDITION

41 Galsworthy Drive

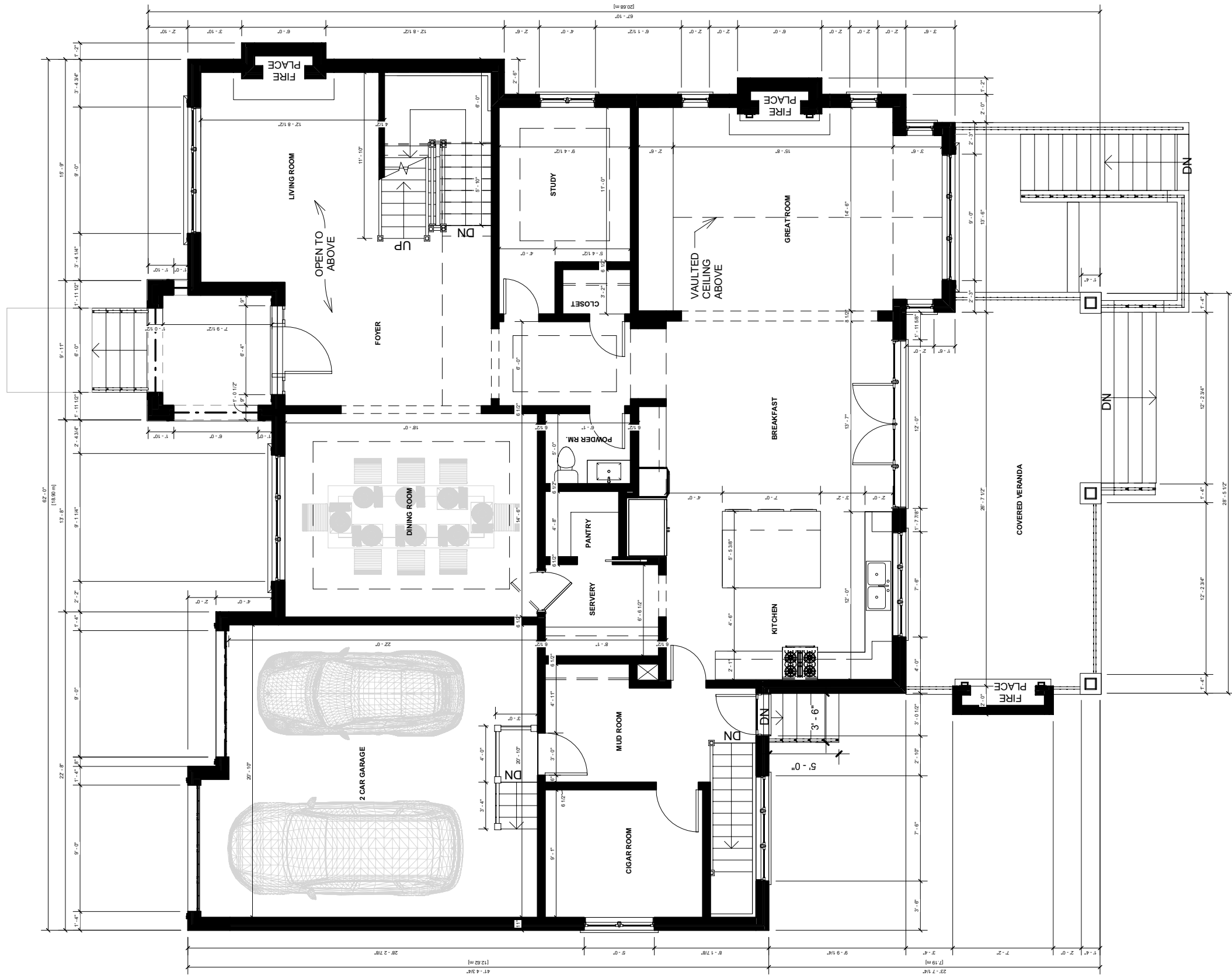
MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	Basement Plan
SHEET NUMBER	A2

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MARKHAM ON L3R 8V2
info@zerodegreestudio.ca



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				<h1 style="margin: 0;">41 Galsworthy Drive</h1> <p style="margin: 0;">MARKHAM, ON</p>

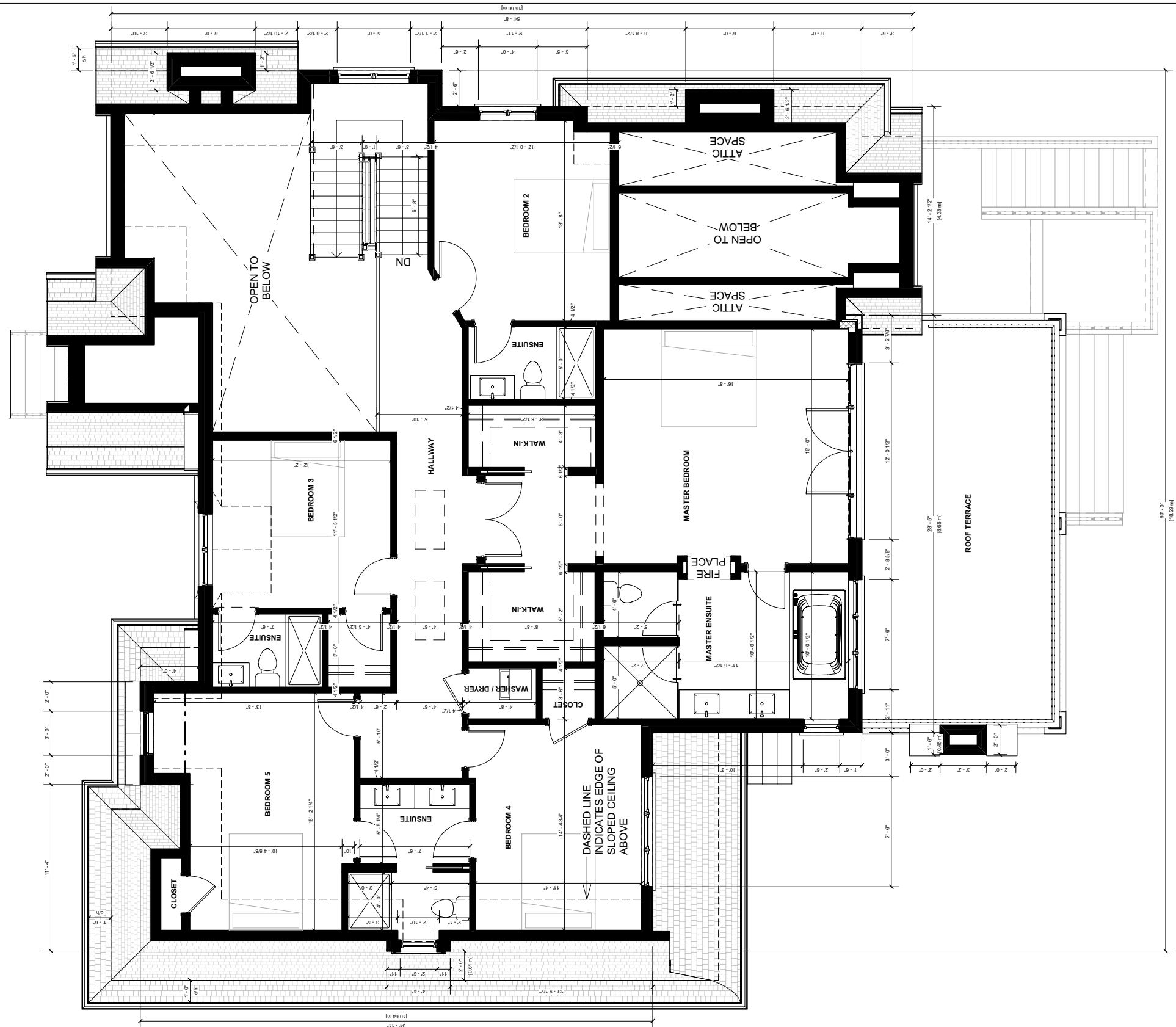
CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	1st Floor Plan
SHEET NUMBER	A3

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41 Galsworthy Drive

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	2nd Floor Plan
SHEET NUMBER	A4

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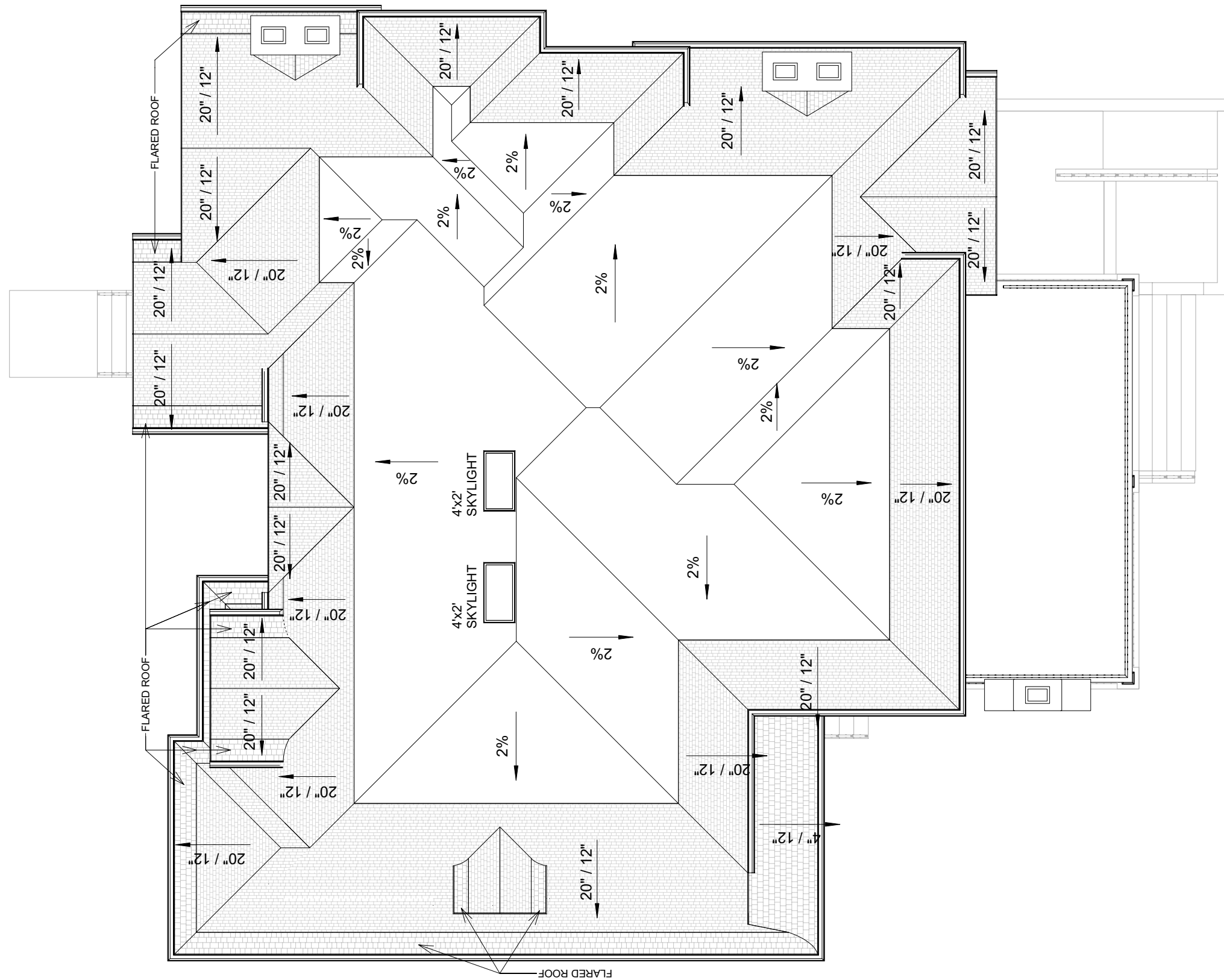
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				<h1 style="margin: 0;">41 Galsworthy Drive</h1> <h2 style="margin: 0;">MARKHAM, ON</h2>

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	Roof Plan
SHEET NUMBER	A5

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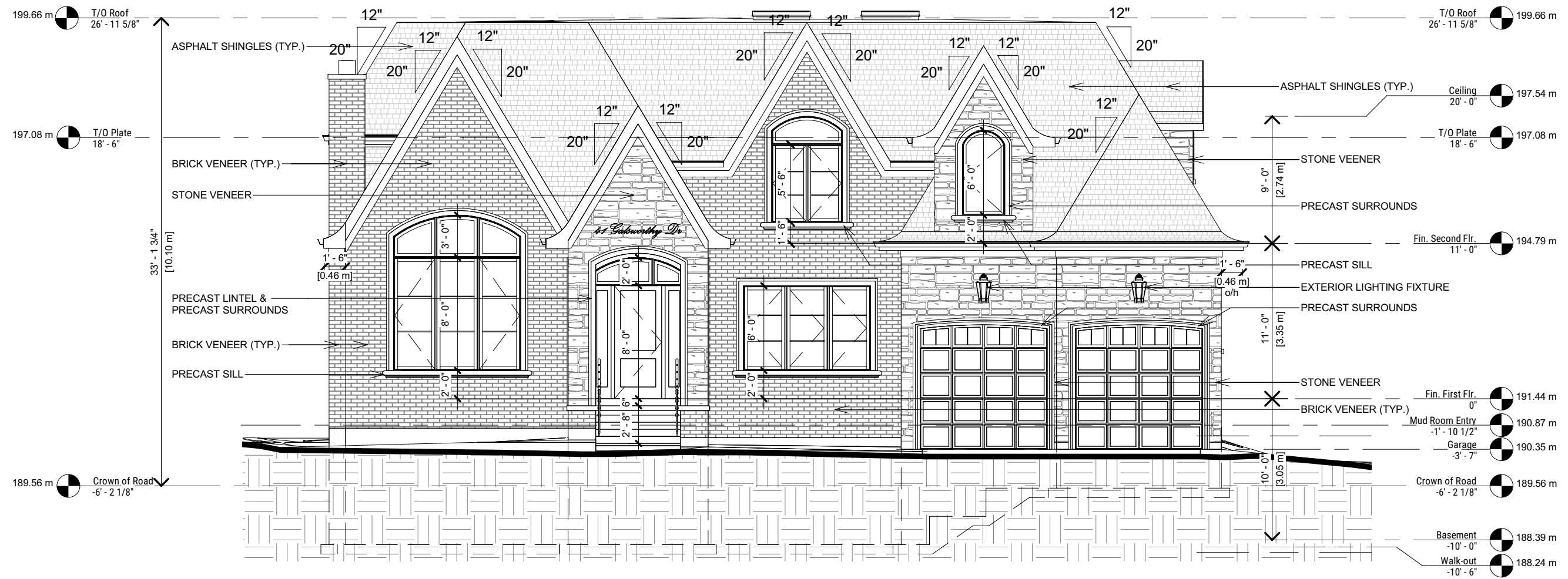
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				<h1 style="margin: 0;">41 Galsworthy Drive</h1> <h2 style="margin: 0;">MARKHAM, ON</h2>

<p>CONTRACTOR SHALL CHECK DIMENSIONS</p>	DRAWING NAME
<p>Drawn by: Author</p> <p>Date: 2022-08-22</p> <p>Scale: 1/8" = 1'-0"</p> <p>Project Number: 22009</p>	<p>South 'Front' Elevation</p>
	SHEET NUMBER
	A6

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No.	Description	Date	By	PROPOSED ADDITION
	41 Galsworthy Drive			MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME	
Drawn by	RC		North 'Rear' Elevation
Date	2022-08-22	SHEET NUMBER	A7
Scale	1/8" = 1'-0"		
Project Number	22009		

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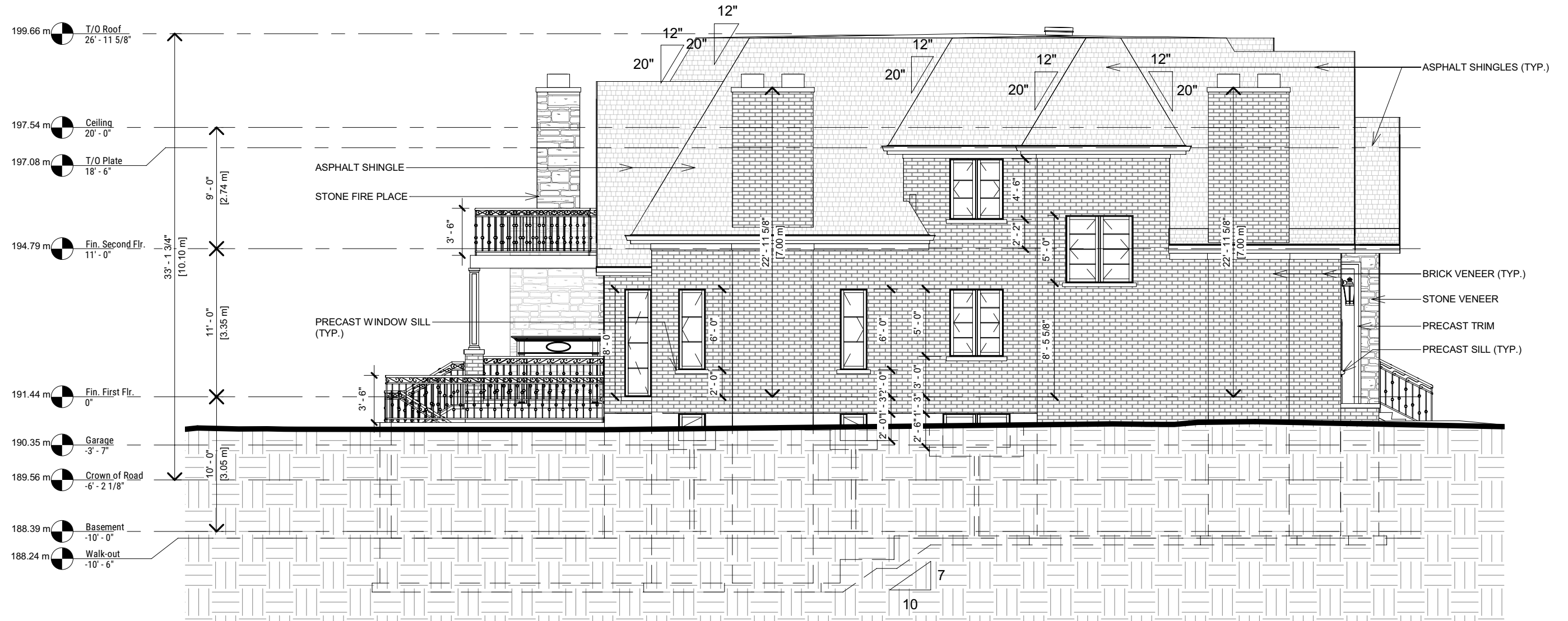
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	41 Galsworthy Drive			MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	East Elevation
SHEET NUMBER	A8

ZERO DEGREE STUDIO

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MARKHAM ON L3R 8V2
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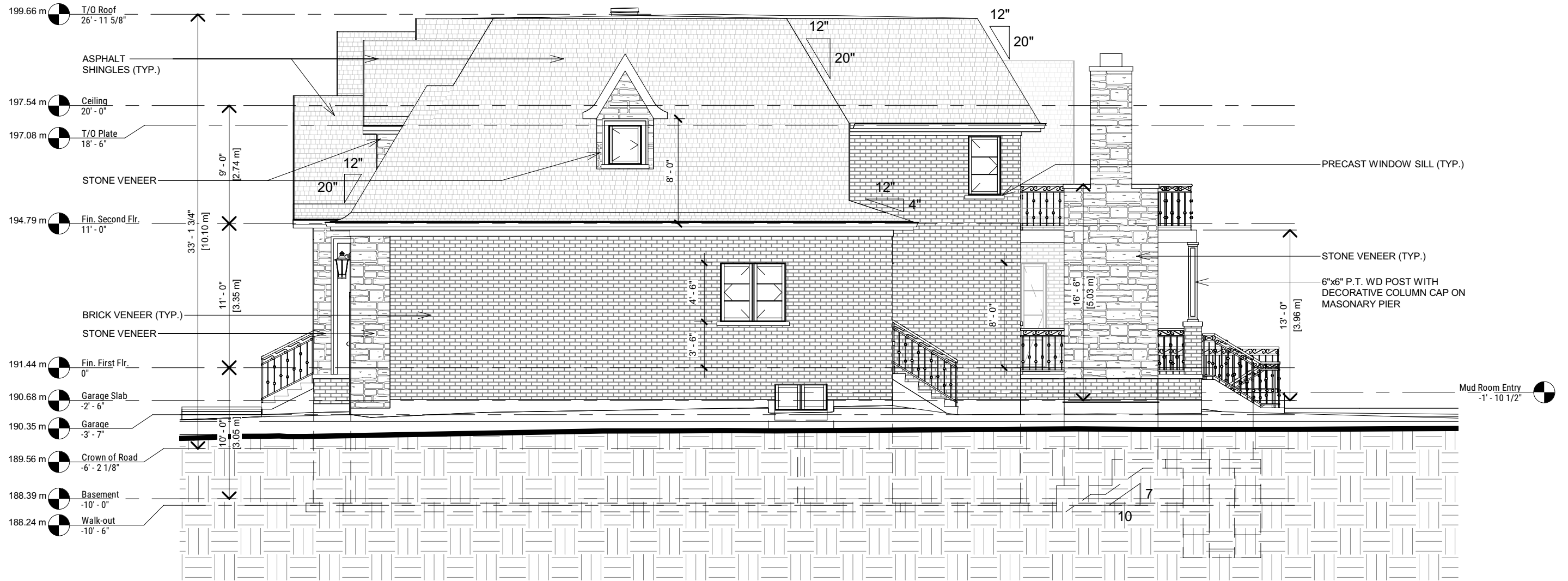
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				41 Galsworthy Drive
				MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME
Drawn by	RC	West Elevation
Date	2022-08-22	SHEET NUMBER
Scale	1/8" = 1'-0"	A9
Project Number	22009	

ZERO DEGREE STUDIO

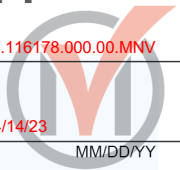
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No.	Description	Date	By	PROPOSED ADDITION <h1 style="text-align: center;">41 Galsworthy Drive</h1> MARKHAM, ON	CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME	 ZERO DEGREE STUDIO 280 SHIELDS COURT, UNIT B MARKHAM ON L3R 8V2 info@zerodegreestudio.ca
					Drawn by RC	Front Perspective	
					Date 2022-08-22	SHEET NUMBER	
					Scale	<h1>SK1</h1>	
					Project Number 22009		

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				<h1 style="margin: 0;">41 Galsworthy Drive</h1> <p style="margin: 0;">MARKHAM, ON</p>

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	
Project Number	22009

DRAWING NAME
Rear Perspective
SHEET NUMBER
SK2



ZERO DEGREE STUDIO

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MARKHAM ON L3R 8V2
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SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF
LOT 47
REGISTERED PLAN 4949
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

Appendix B

File: 23.118178.000.MNV

Date: 04/14/23

SCALE 1:200

10m 5 0

MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

□	DENOTES MONUMENT SET
■	DENOTES MONUMENT FOUND
RIP	DENOTES ROUND IRON PIPE
IB	DENOTES IRON BAR
RP	DENOTES REGISTERED PLAN 4949
P1	DENOTES PLAN OF SURVEY BY CHARLES R. LYON, O.L.S. DATED JULY 14, 1958
P2	DENOTES PLAN OF SURVEY BY W.S. GIBSON & SONS, O.L.S. DATED NOVEMBER 25, 1957
OU	DENOTES ORIGIN UNKNOWN
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
B.F.	DENOTES BOARD FENCE
C.L.F.	DENOTES CHAIN LINK FENCE
OU	DENOTES ORIGIN UNKNOWN
NI	DENOTES NOT IDENTIFIABLE
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
⊙H.P.	DENOTES HYDRO POLE
⊗w.v.	DENOTES WATER VALVE
⊙	DENOTES CONIFEROUS TREE
⊙	DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF GALSWORTHY DRIVE AS SHOWN ON REGISTERED PLAN 4949 HAVING A BEARING OF N16° 14' 00" W.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092883035, HAVING AN ELEVATION OF 187.920M.

PART 2 (SURVEY REPORT)

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NONE.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, SOUTHERLY AND EASTERLY LIMITS OF THE SUBJECT PROPERTY.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

THIS REPORT WAS PREPARED FOR HARPREET MINHAS 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 20th DAY OF JUNE, 2022

JUNE 27, 2022 DATE

Z. ZENG
ONTARIO LAND SURVEYOR

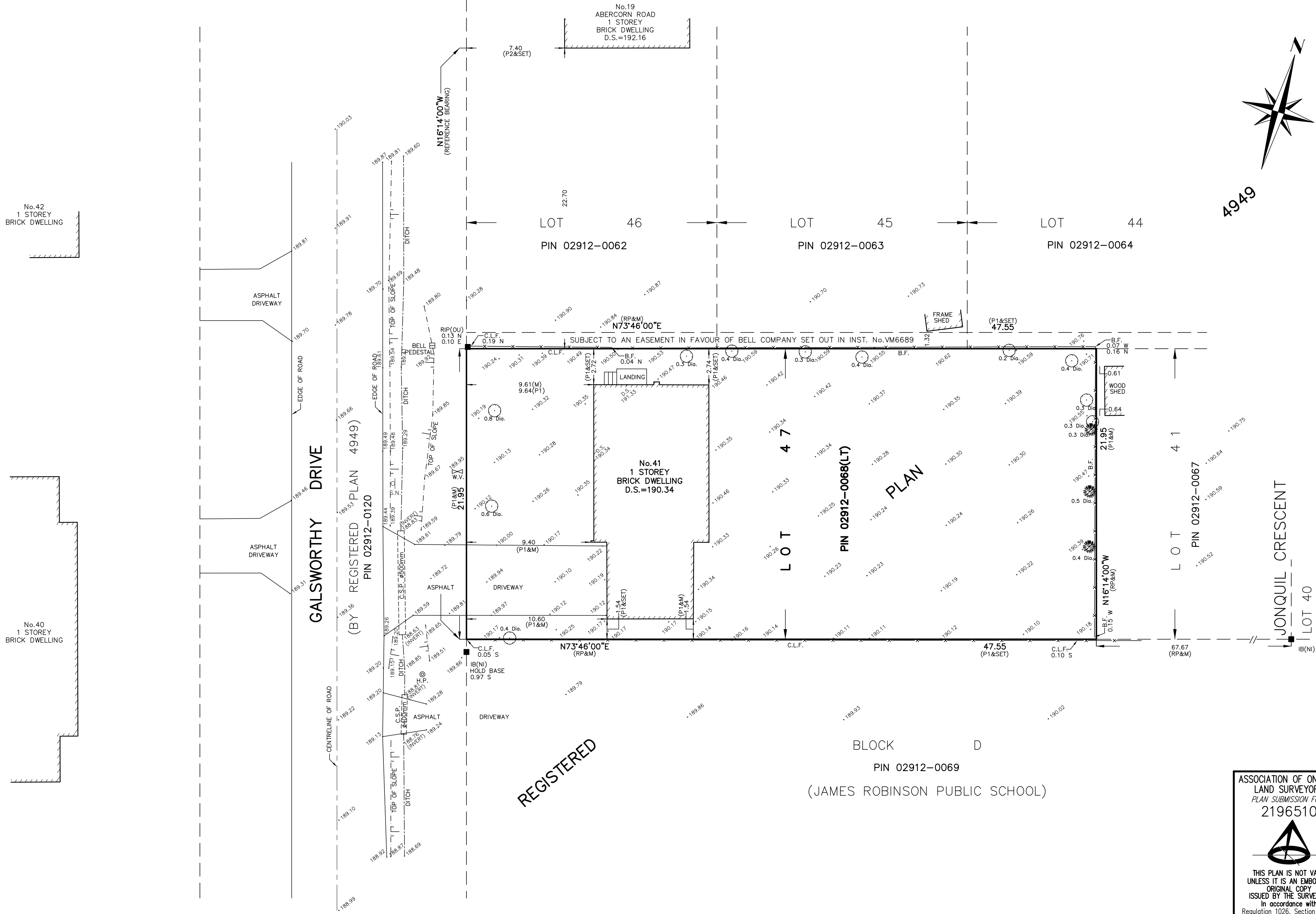
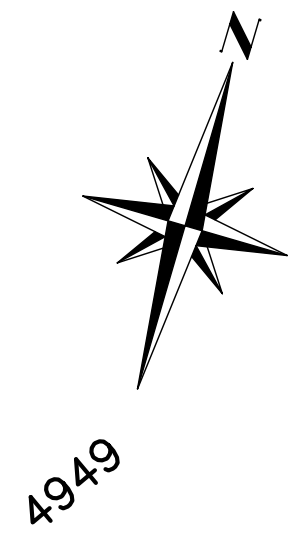
MANDARIN SURVEYORS LIMITED

ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR

WWW.MANDARINSURVEYOR.COM

2400 MIDLAND AVENUE #121 PHONE: (647)430-1366 FAX: (647)799-4068
 TORONTO, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: J.Z. CAD No: 22-351SRPR JOB No: 2022-351



ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 2196510

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

No. 42
1 STOREY
BRICK DWELLING

No. 40
1 STOREY
BRICK DWELLING

REGISTERED

BLOCK D
 PIN 02912-0069
 (JAMES ROBINSON PUBLIC SCHOOL)

JONQUIL CRESCENT
 LOT 40

GALSWORTHY DRIVE
 (BY REGISTERED PLAN 4949)
 PIN 02912-0120

No. 19
 ABERCORN ROAD
 1 STOREY
 BRICK DWELLING
 D.S.=192.16

LOT 46
 PIN 02912-0062

LOT 45
 PIN 02912-0063

LOT 44
 PIN 02912-0064

LOT 47
 PIN 02912-0068(LT)

LOT 41
 PIN 02912-0067

No. 41
 1 STOREY
 BRICK DWELLING
 D.S.=190.34

N73°46'00"E
 (RP&M)

PLAN

PIN 02912-0069

4949

7.40
 (P2&SET)

47.55
 (P1&SET)

21.95
 (P1&M)

47.55
 (P1&SET)

67.67
 (RP&M)

N16°14'00"W
 (REFERENCE BEARING)

REGISTERED PLAN 4949
 PIN 02912-0120

REGISTERED PLAN 0068(LT)
 PIN 02912-0068(LT)

N73°46'00"E
 (RP&M)

N73°46'00"E
 (RP&M)

N16°14'00"W
 (RP&M)

N16°14'00"W
 (RP&M)

N16°14'00"W
 (RP&M)

N16°14'00"W
 (RP&M)

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APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/038/23

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division 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;
4. That the Applicant satisfies the requirements of Metrolinx, as indicated in their letter to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, and that the Secretary-Treasurer receives written confirmation that this conditions has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner, Zoning and Special Projects

APPENDIX "D"
METROLINX COMMENTS: March 28, 2023



Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.