

Memorandum to the City of Markham Committee of Adjustment

June 15, 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, June 28, 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 10.10 metres, whereas the By-law permits a maximum building height of 9.80 metres;
- b) **Amending By-law 99-90, Section 1.2 (iii):**
a maximum depth of 19.91 metres, whereas the By-law permits a maximum depth of 16.80 metres;
- c) **Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 51.33 percent, whereas the By-law permits a maximum of 45 percent.

BACKGROUND

Property Description

This application was deferred by the Committee of Adjustment (the “Committee”) at the April 19, 2023 hearing, for the Applicant to address the Committee’s concern over the building depth of 20.68 metres and the floor area ratio variance of 53.58 percent (Refer to Minutes - Appendix “B”).

COMMENTS

On May 17, 2023, the Applicant submitted revised drawings reducing the building depth by 0.77 metres, to now propose a building depth of 19.91 metres and reduce the gross floor area by 18.69 m² (201.20 ft²), to now propose a floor area ratio of 51.33 percent. The applicant has completed a Zoning Preliminary Review (ZPR) on May 12, 2023 to confirm the variances required for the proposed development.

Staff’s previous comments remain applicable (refer to Appendix “A”). Staff are of the opinion that the requested variances will not result in overdevelopment of the site and that the proposed dwelling is generally in keeping with the intended scale of residential infill developments for the neighbourhood. Staff have no

objection to the approval of the application.

PUBLIC INPUT SUMMARY

As of June 15, 2023 the City received no new written correspondence. Prior to the April 19, 2023 hearing, the Committee received two letters expressing concerns over the requested building depth and the floor area ratio that were in relation to the original variance request. 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 “D” for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDICES:

Appendix A – Staff Report Dated April 14, 2023

Appendix B – Minutes Extract

Appendix C – Plans

Appendix D – A/038/23 Conditions of Approval

Appendix E – Metrolinx Comments

APPENDIX "A" – Staff Report Dated April 14, 2023

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:



Stacia Muradali, Development Manager, East District

APPENDICES:

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

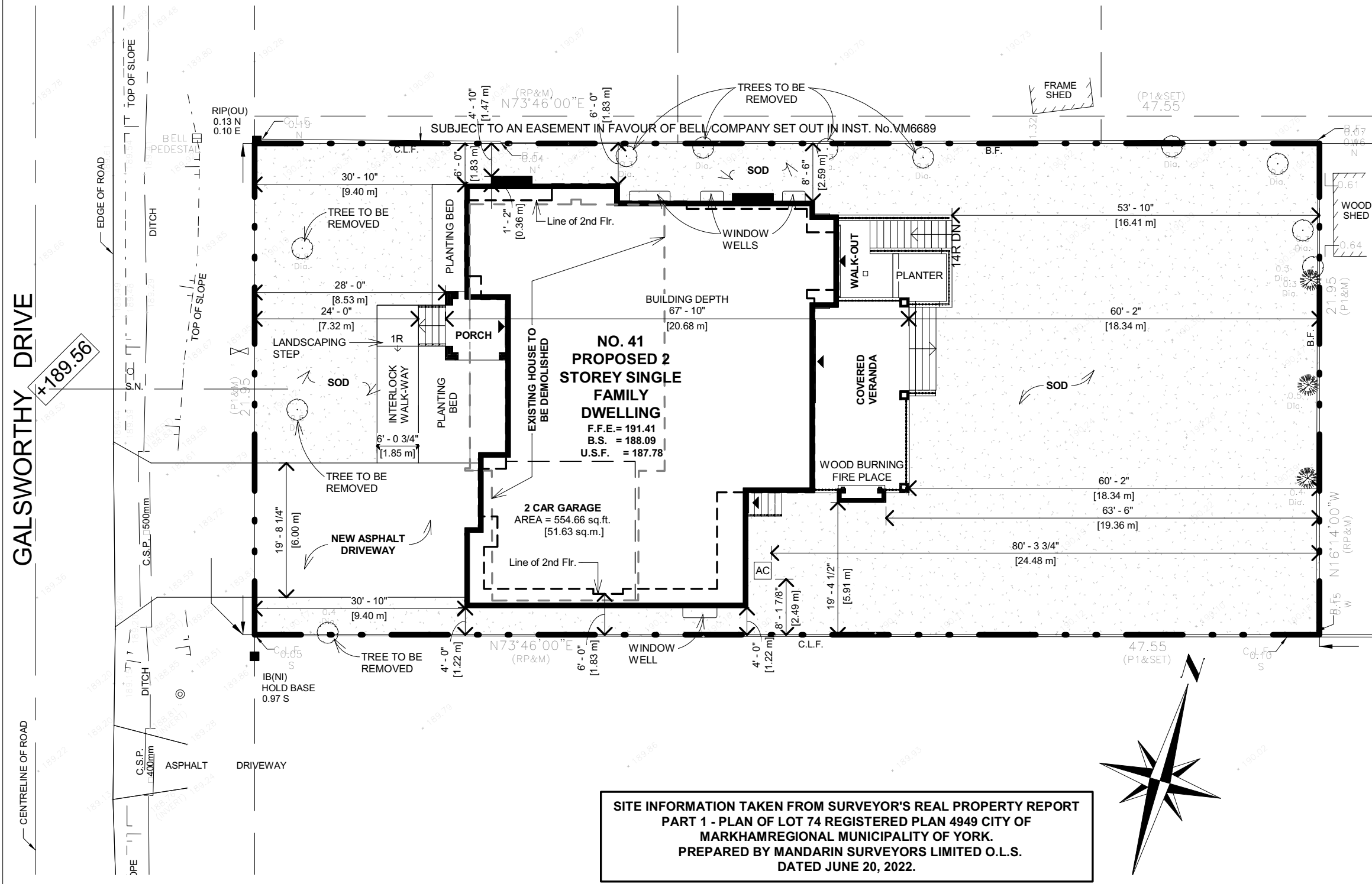
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Appendix B

File: 23.116178.000.00.MNV

Date: 04/14/23

MM/DD/YY

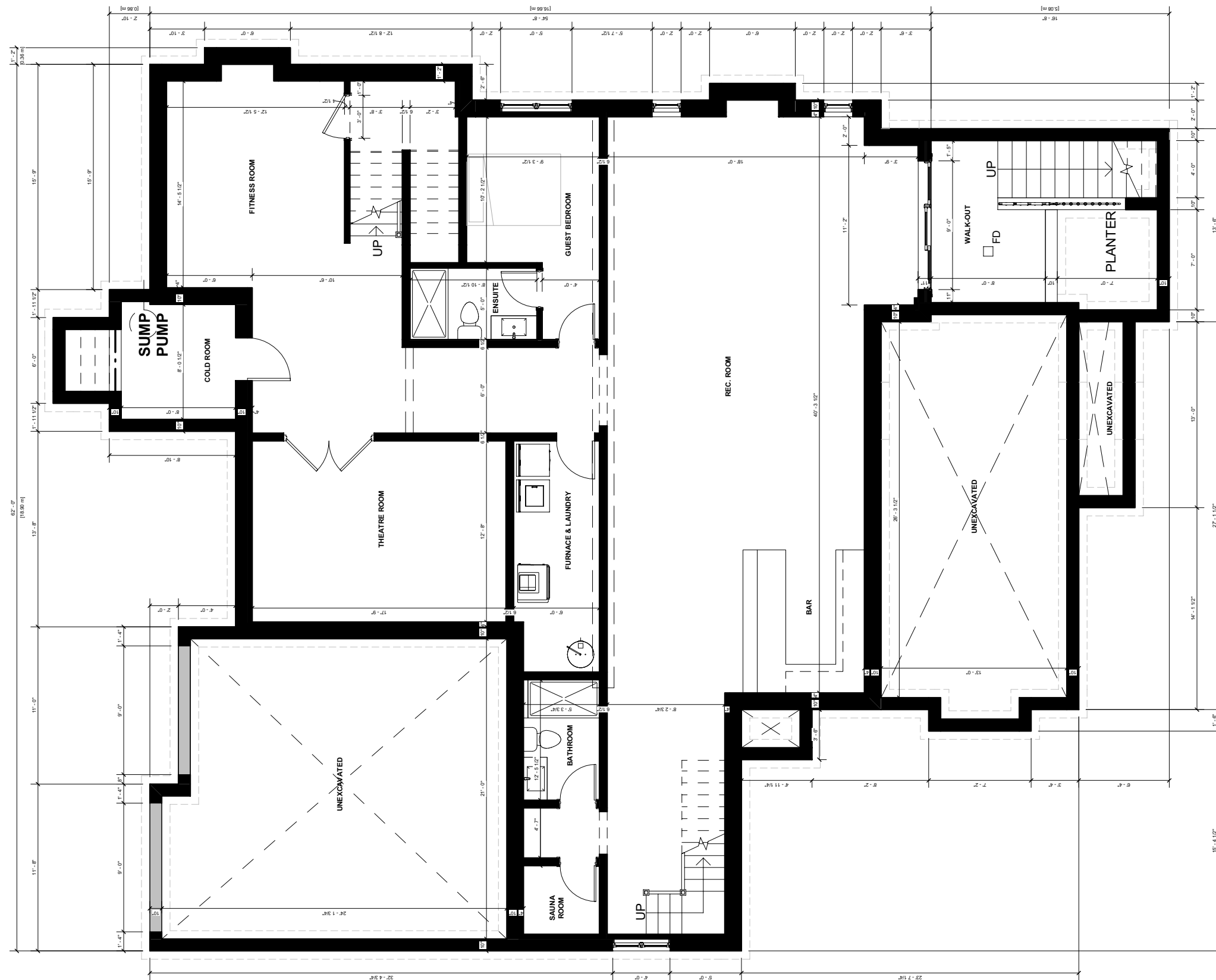


SITE INFORMATION TAKEN FROM SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF LOT 74 REGISTERED PLAN 4949 CITY OF
MARKHAM REGIONAL MUNICIPALITY OF YORK.
PREPARED BY MANDARIN SURVEYORS LIMITED O.L.S.
DATED JUNE 20, 2022.

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	
MAXIMUM BUILDING HEIGHT	9.8 m [32.15 ft]
MAXIMUM BUILDING DEPTH (includes porch and veranda)	
MAXIMUM BUILDING DEPTH	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	
COVERAGE	29.59 %
COVERAGE	308.79 sq.m. [3,323.76 sq.ft.]
FRONT YARD AREA	
FRONT YARD AREA	220.86 sq.m. [2,377.30 sq.ft.]
DRIVEWAY AREA (26.33 %)	
DRIVEWAY AREA	58.15 sq.m. [625.97 sq.ft.]
LANDSCAPED SOFT AREA (63.38%)	
LANDSCAPED SOFT AREA	139.99 sq.m. [1,506.91 sq.ft.]
LANDSCAPED HARD AREA (10.28%)	
LANDSCAPED HARD AREA	22.71 sq.m. [244.42 sq.ft.]
PROPOSED HEIGHT	
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>			<h2>MARKHAM, ON</h2>	RC
					2022-08-22
					1 : 200
					22009

SITE PLAN	 ZERO DEGREE STUDIO
A1	
280 SHIELDS COURT, UNIT B MARKHAM ON L3R 8V2 info@zerodegreestudio.ca	



Appendix B

File: 23.116178.000.00.MNV

Date: 04/14/23

MM/DD/YY

No.	Description	Date	By

PROPOSED ADDITION

41 Galsworthy Drive

MARKHAM, ON

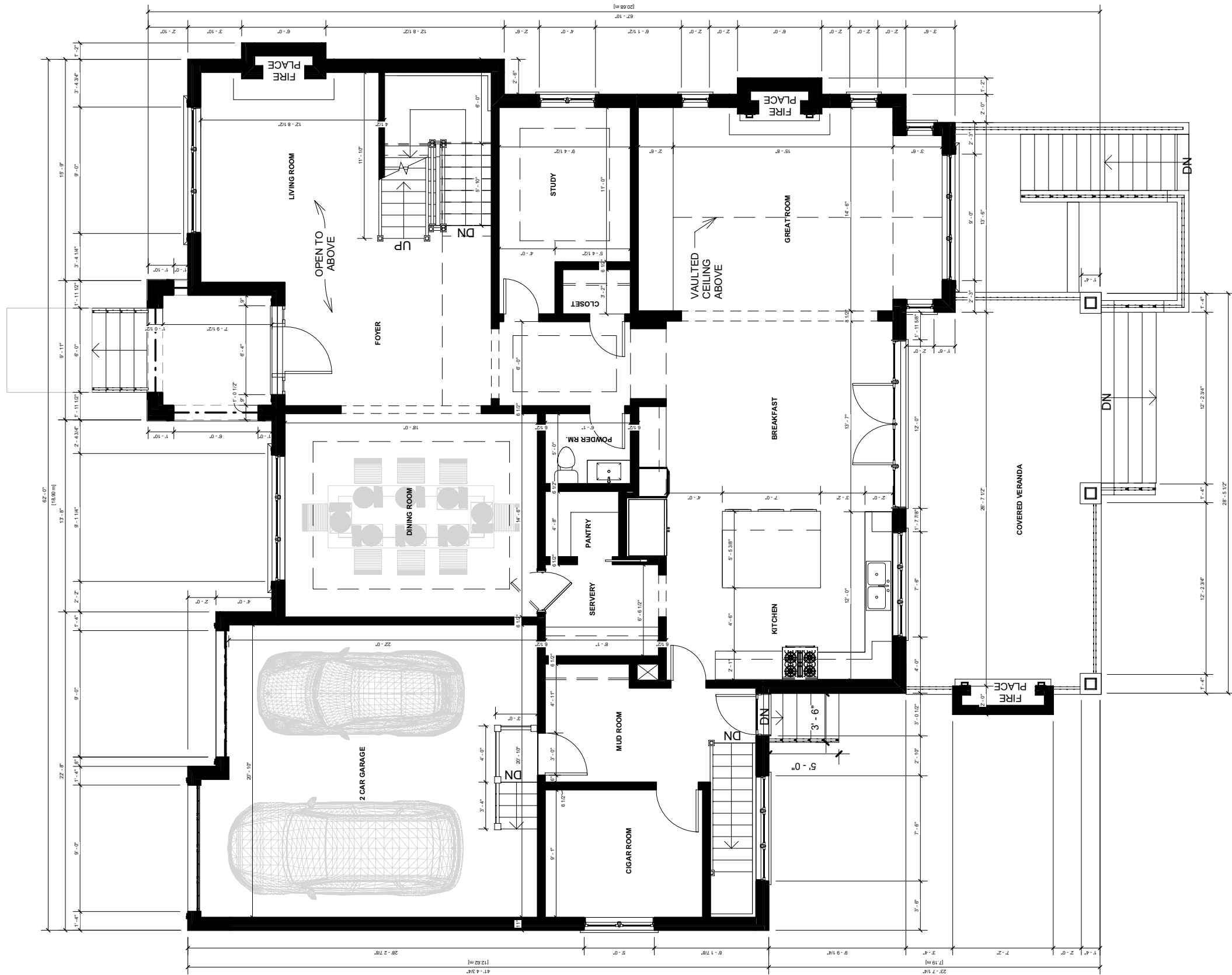
CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	Basement Plan
SHEET NUMBER	A2

ZERO DEGREE STUDIO

280 SHIELDS COURT, UNIT B
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>

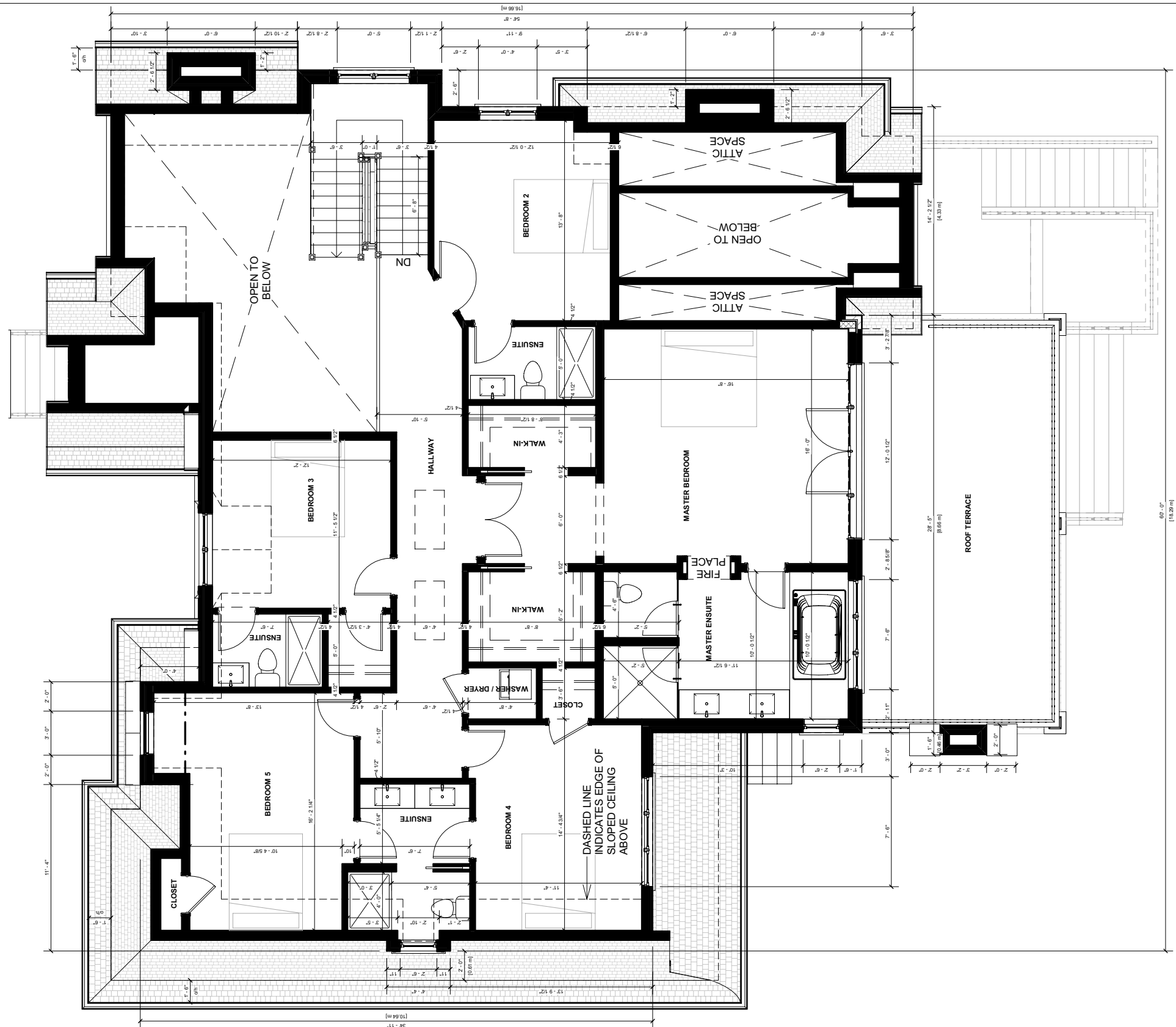
CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	1st Floor Plan
SHEET NUMBER	A3

ZERO DEGREE STUDIO

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MARKHAM ON L3R 8V2
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MM/DD/YY

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	2nd Floor Plan
SHEET NUMBER	A4

ZERO DEGREE STUDIO

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MARKHAM ON L3R 8V2
info@zerodegreestudio.ca

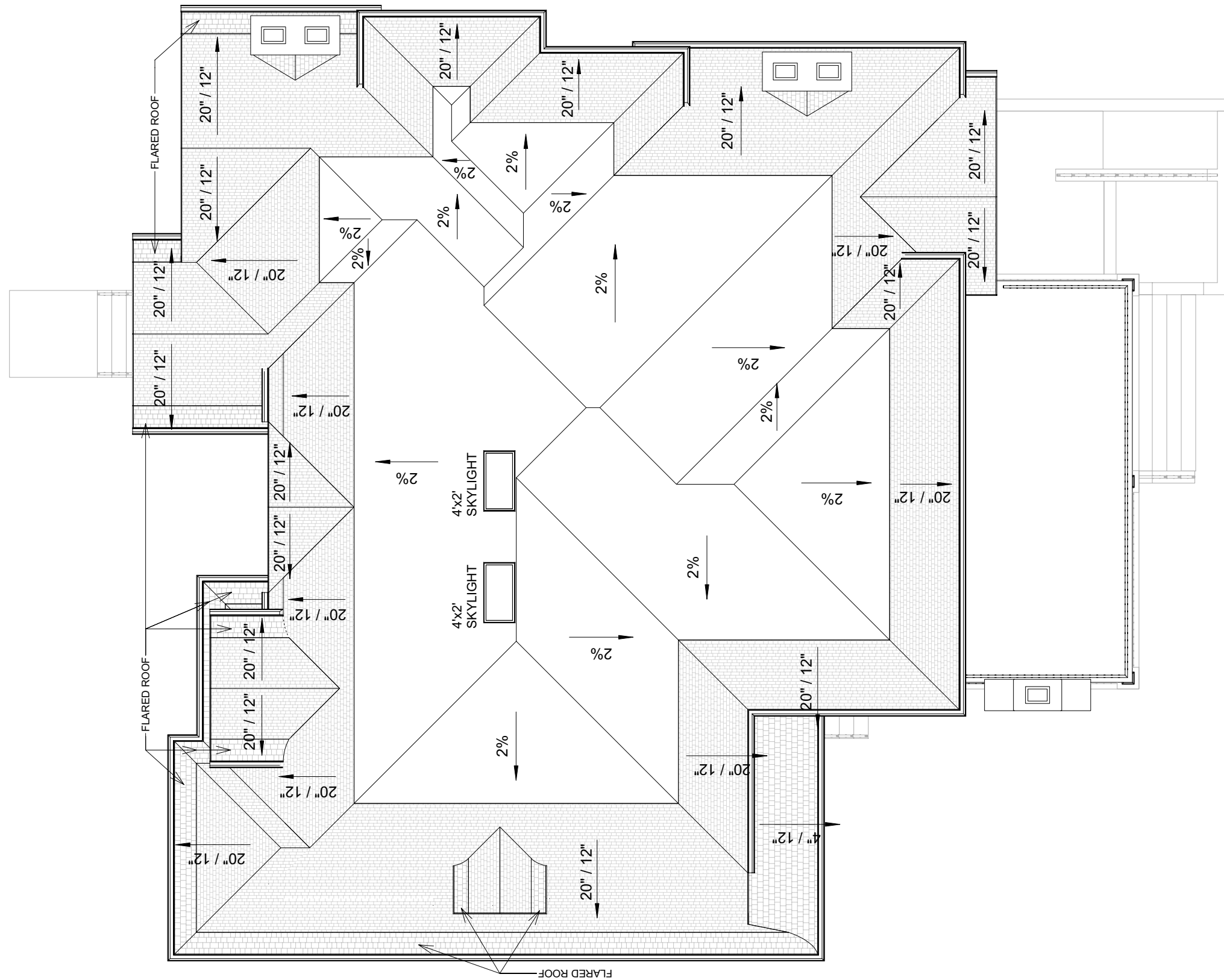
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				<h1 style="margin: 0;">41 Galsworthy Drive</h1> <h2 style="margin: 0;">MARKHAM, ON</h2>

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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280 SHIELDS COURT, UNIT B
MARKHAM ON L3R 8V2
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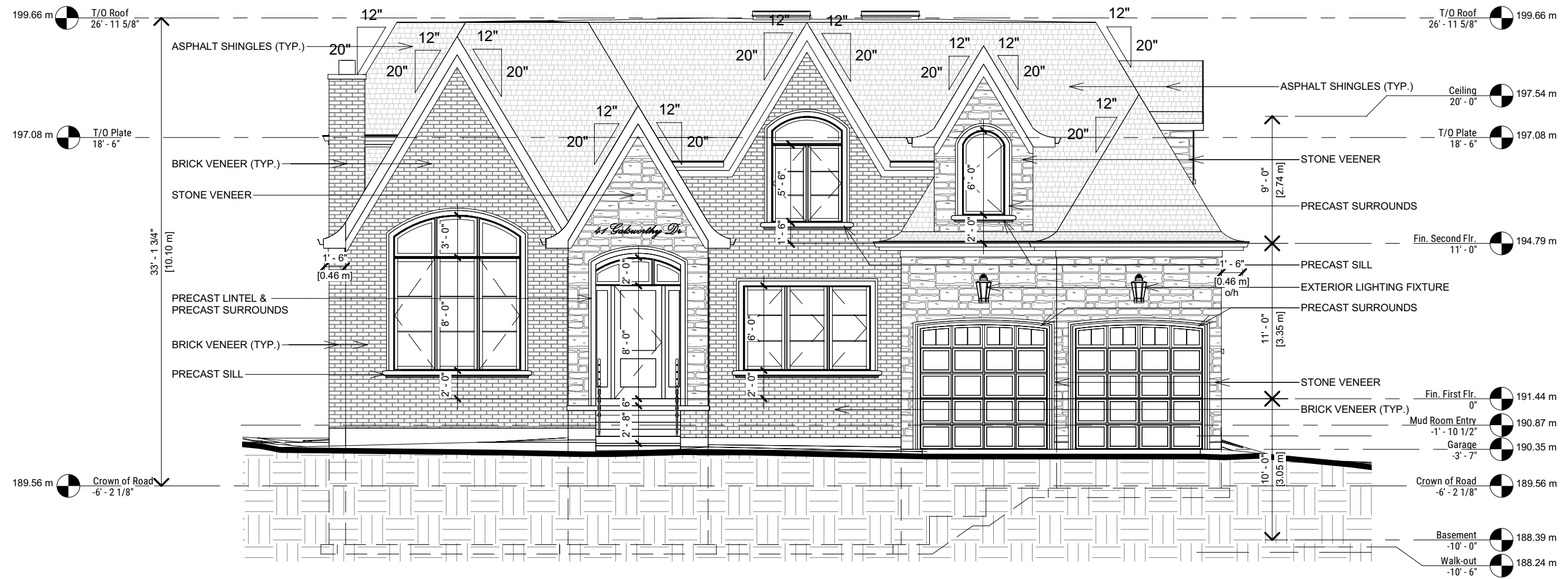
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No.	Description	Date	By	PROPOSED ADDITION
				<h1 style="margin: 0;">41 Galsworthy Drive</h1> <h2 style="margin: 0;">MARKHAM, ON</h2>

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME
Drawn by	Author	South 'Front' Elevation
Date	2022-08-22	SHEET NUMBER
Scale	1/8" = 1'-0"	<h1 style="margin: 0;">A6</h1>
Project Number	22009	

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280 SHIELDS COURT, UNIT B
MARKHAM ON L3R 8V2
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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	
Scale	1/8" = 1'-0"	A7	
Project Number	22009	 ZERO DEGREE STUDIO <small>280 SHIELDS COURT, UNIT B MARKHAM ON L3R 8V2 info@zerodegreestudio.ca</small>	

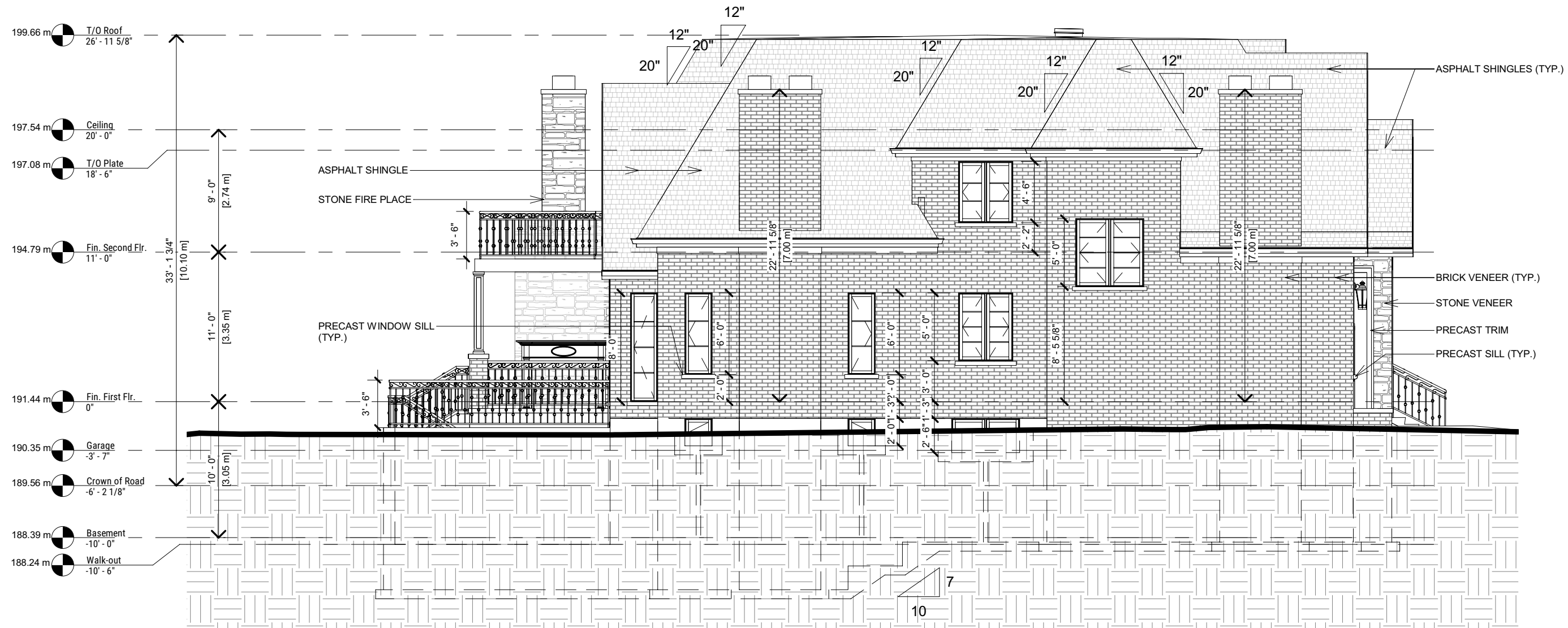
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No.	Description	Date	By	PROPOSED ADDITION
	41 Galsworthy Drive			MARKHAM, ON

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

DRAWING NAME	East Elevation
SHEET NUMBER	A8

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MARKHAM ON L3R 8V2
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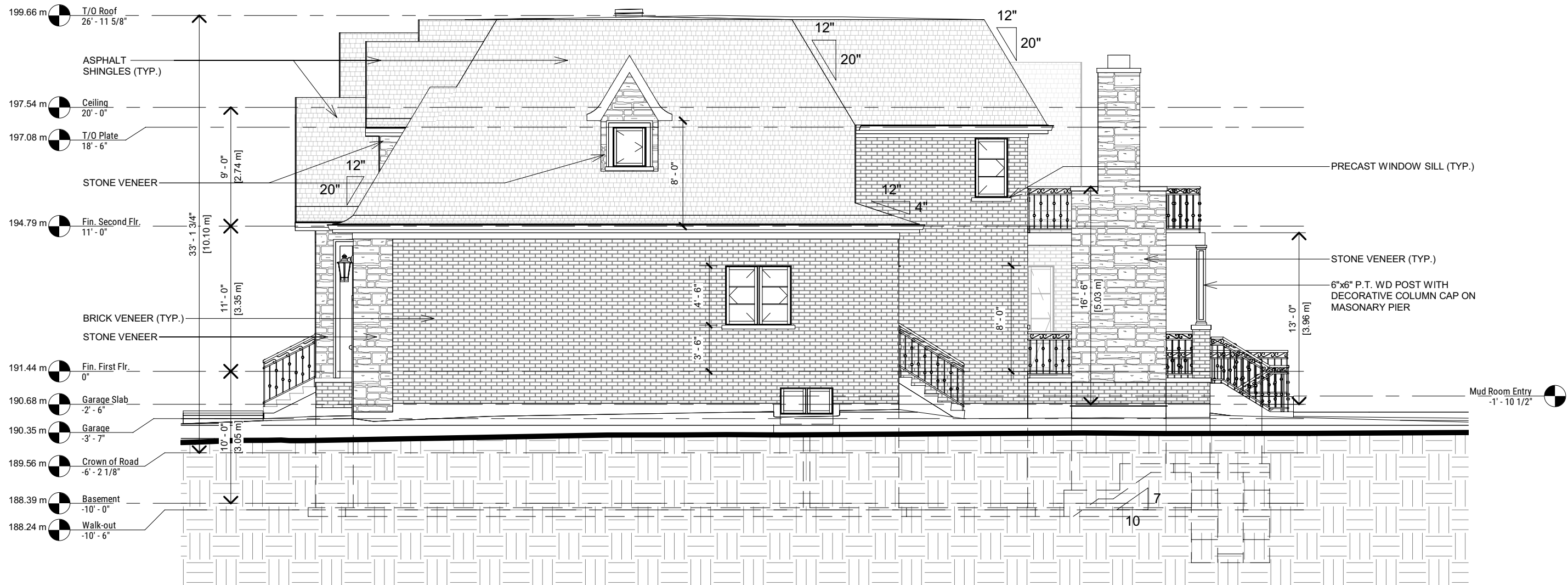
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No.	Description	Date	By	PROPOSED ADDITION
				41 Galsworthy Drive
				MARKHAM, ON

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

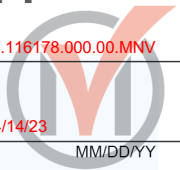
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MM/DD/YY




No.	Description	Date	By	PROPOSED ADDITION <h2 style="text-align: center;">41 Galsworthy Drive</h2> MARKHAM, ON	CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME Front Perspective	SHEET NUMBER <h1 style="font-size: 2em;">SK1</h1>	 ZERO DEGREE STUDIO 280 SHIELDS COURT, UNIT B MARKHAM ON L3R 8V2 info@zerodegreestudio.ca
					Drawn by RC			
					Date 2022-08-22			
					Project Number 22009			

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No.	Description	Date	By	PROPOSED ADDITION
				<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

280 SHIELDS COURT, UNIT B
MARKHAM ON L3R 8V2
info@zerodegreestudio.ca

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

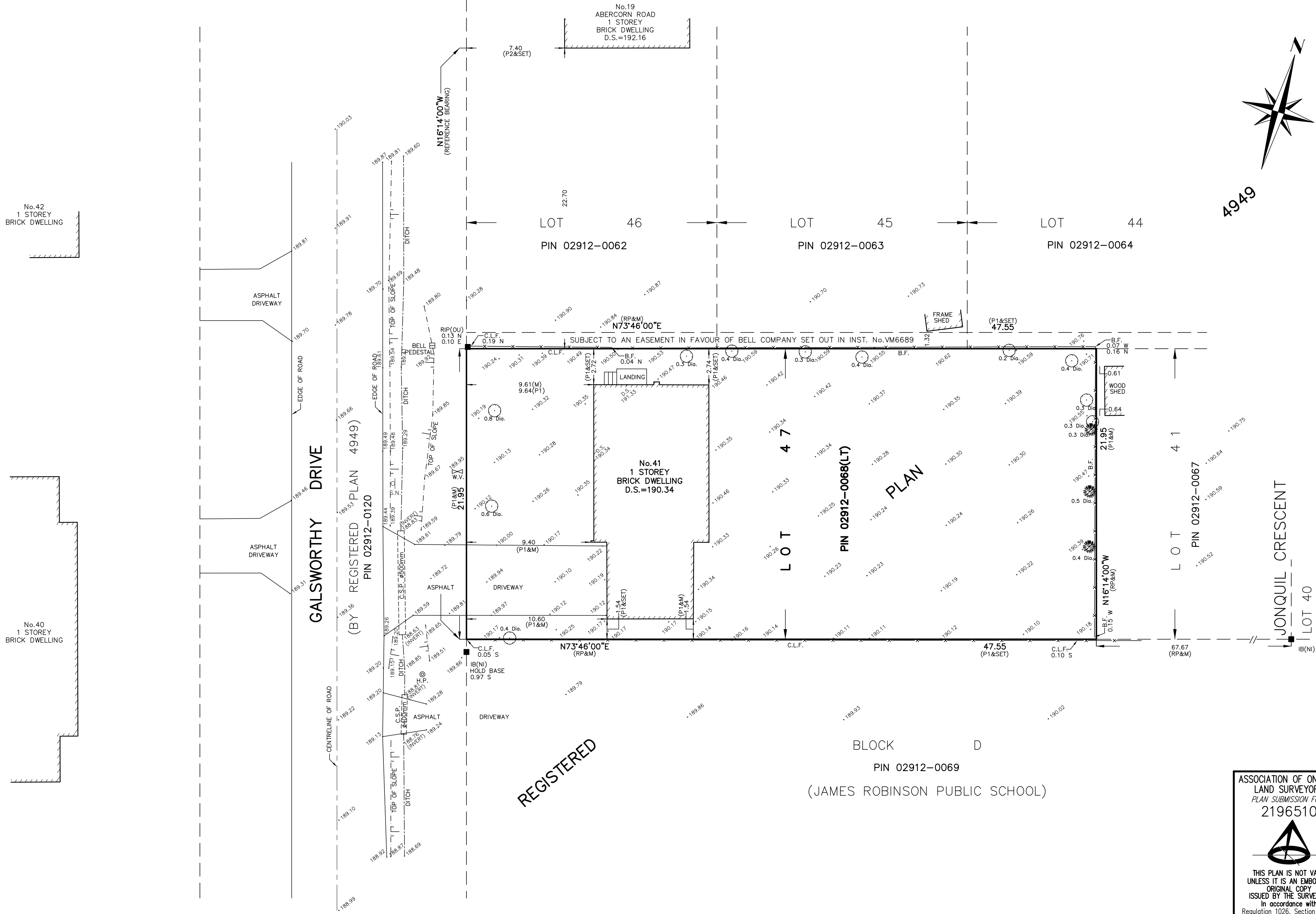
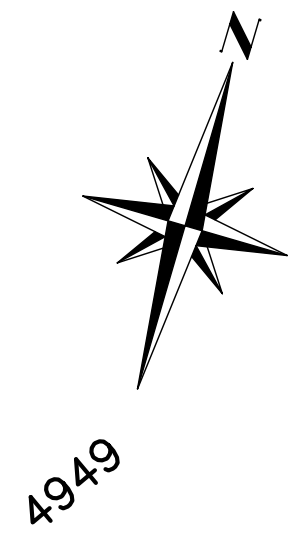
MANDARIN SURVEYORS LIMITED

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

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

No. 42
 1 STOREY
 BRICK DWELLING

No. 40
 1 STOREY
 BRICK DWELLING

REGISTERED

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.

APPENDIX "B" – Minutes Extract



CITY OF MARKHAM
Virtual Meeting on Zoom

April 19, 2023
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 7th regular meeting of the Committee of Adjustment for the year 2023 was held at the time and virtual space above with the following people present:

Arrival Time

Tom Gutfreund, Acting Chair	7:00 pm
Jeamie Reingold	7:08 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Greg Whitfield, Supervisor, Committee of Adjustment

Regrets

Gregory Knight, Chair
Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: April 5, 2023

THAT the minutes of Meeting No. 6, of the City of Markham Committee of Adjustment, held April 5, 2023, be:

- a) Approved on April 19, 2023.

Moved By: Patrick Sampson
Seconded By: Sally Yan

Carried

PREVIOUS BUSINESS

1. A/175/22

Owner Name: Bing Fu
Agent Name: Gregory Design Group (Shane Gregory)
117 Main Street, Unionville
PL 401 LOT 16

The applicant was requesting relief from the requirements of By-law 122-72, as amended, to permit:

a) Section 7.1:

a minimum flankage side yard setback of 4 feet 9 inches (1.45 metres) for the proposed addition, whereas the by-law requires a flankage side yard setback no less than 12 feet (3.66 metres) or one half the height of the building;

b) Section 11.2 (c):

a minimum rear yard setback of 22 feet 11-1/2 inches (7 metres), whereas the by-law requires a minimum rear yard setback of 25 feet;

c) Section 11.2 (d):

a maximum lot coverage of 34.0 percent, whereas the by-law permits a maximum lot coverage of 33-1/3 percent;

as it related to a proposed two-storey addition with a new detached garage with loft.

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application.

Member Gutfreund indicated they had visited the site and were of the view the new addition would in keeping with the character of the neighbourhood, and would be in support of the application.

Member Sampson agreed with Member Gutfreund's statements that the variances were minor and would support the application.

Member Yan concurred with Members Gutfreund and Sampson, and was happy with the improvements to the property. Member Yan inquired whether the loft above the garage would be used for an additional dwelling unit.

Russ confirmed the loft would not be used as a dwelling unit.

Member Yan indicated they would be in support of the application.

Member Reingold agreed with the opinion of the other members and was in support of the application.

Member Sampson motioned for approval with conditions.

Moved By: Patrick Sampson
Seconded By: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/175/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

NEW BUSINESS:

2. A/032/23

Owner Name: Vachik Hagopian
Agent Name: RT Architects (Raffi Tashdjian)
67 Ramona Boulevard, Markham
PLAN 9143 LOT 266

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

a) Amending By-law 99-90, Section 1.2(i):

a maximum building height of 10.48 metres, whereas the By-law permits a maximum building height of 9.80 metres;

b) Amending By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 52.83 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

as it related to a proposed single detached dwelling.

The Chair introduced the application.

The agent, Raffi Tashdjian, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee.

Elizabeth spoke to the size of the lot and the visibility of the proposal as a result of it being a corner lot. Liz spoke to the neighbourhood characteristics and the current lack of infill development in the neighbourhood, and the tone the application would set for future infill within the area.

Elizabeth spoke to the four tests for Minor Variance, and indicated the request for floor area and height did not meet the tests for Minor Variance. Elizabeth also discussed the Official Plan policies for development standards and infill development, and did not believe that the proposal was appropriate for the area.

Randy Marsh, of 65 Ramona Boulevard, spoke to the Committee.

Randy spoke to the proposed attic and that there was no indication of what would be provided in the attic, and believed it should be included within the overall floor area of the dwelling as it contributes to the massing of the dwelling.

Randy quoted Vincent v. DeGasperis and indicated that the applicant did not adequately demonstrate why the variances should be permitted, and did not provide sufficient evidence that the application met the four tests for Minor Variance.

The agent, Raffi Tashdjian, responded to the concerns related to the ceiling height raised by residents and spoke to the needs of the family for the use of spaces within the proposed house.

Member Sampson reiterated the Committee's previous stance regarding approving variances for floor area above 50%, where 45% is permitted and advised they would not be in support of the application.

Member Yan agreed with Member Sampson's comments regarding the height and floor area proposed.

Member Yan agreed with Elizabeth Brown's comments on the greater impact the building would have as a result of it being located on a corner lot. Member Yan believed the building to be too large and that the applicant should reduce the floor area, and that they would not be in support of the application.

Member Reingold agreed with Members Yan and Sampson, however, noted the potential of the design, and that given the appropriate revisions, could have a positive impact on the neighbourhood.

Acting Chair Gutfreund agreed with the other Member's comments, and believed the floor area and height should be reduced to better fit in with the neighbourhood.

Member Reingold motioned for deferral.

Moved By: Jeamie Reingold

Seconded By: Patrick Sampson

THAT Application No. **A/032/23** be **deferred** sine die.

Resolution Carried

3. A/038/23

Owner Name: 1000183958 Ontario Inc. (Grumeet Minhas)
Agent Name: Zero Degree Studio Inc. (Roy Chan)
41 Galsworthy Drive, Markham
PLAN 4949 LOT 47

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

- a) 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) By-law 99-90, Section 1.2(iii):**
a maximum depth of 20.68 metres, whereas the By-law permits a maximum of 16.8 metres;
- c) 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;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Roy Chan, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Elizabeth Brown, 65 Lincoln Green Drive, the Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee.

Elizabeth spoke to the City's Official Plan policies with respect to infill development, and did not believe the proposal met the four tests of the Planning Act for Minor Variance. Elizabeth indicated that the increases to depth, floor area and height significantly contributed to the massing of the building, and did not believe the application should be approved.

Mary Hampton Smith and Tony DiGiovanni, of 17 Abercorn Road, spoke to the Committee, and agreed with the comments provided by Elizabeth Brown.

Mary Hampton Smith spoke to the reconstruction of their home without the need for variances, and believed that the proposed home was too large, considering the positioning on the lot.

Mary spoke to the depth of the house contributing to the visual massing given its location in proximity to the nearby schoolyard.

Rosemary Haydon, representing the owner of 19 Abercorn Road, spoke to the Committee.

Rosemary indicated their concern for the overlook of the balcony located at the rear of the house, and the privacy issues that arise due to the location and number of windows that would overlook their property.

The agent, Roy Chan responded to the concerns raised by the residents.

Roy confirmed that the building depth was related to the covered front porch and rear covered verandah.

Roy spoke to the current development in the area, and noted that there had been other examples with greater massing approved recently in the area.

Roy spoke to the impacts of the development on the adjacent properties to the north at 19 and 17 Abercorn Road, and believed the design was reasonable and met the four tests for Minor Variance under the Planning Act.

Roy spoke to the arborist report submitted with the application and indicated that only trees on the subject property would be impacted by the development.

Member Gutfreund reiterated that the Committee does not make decisions based on precedent regarding previous Committee approvals.

Member Reingold spoke to the infill within the neighbourhood, and how the original houses are beginning to not fit in with the current neighbourhood characteristics.

Member Reingold appreciated the presentation and design of the proposed house, but believed the house to be too large, despite respecting the side yard setbacks. Member Reingold believed the building should be reduced, and privacy concerns of the neighbourhood addressed.

Member Sampson inquired about the size of the open to above areas within the house.

The agent, Roy Chan, confirmed the area of the open to below areas to be approximately 54 square metres.

Member Sampson believed the open to below areas contributed to significantly to the massing of the building, and could not support the application.

Acting Chair Gutfreund indicated the floor area increase to be 19% above the by-law requirement, and did not believe it to be minor in nature. Acting Chair Gutfreund did appreciate the design efforts of the applicant and the choice to incorporate the second floor into the roof line.

Member Yan indicated they had no issue with the building height. There were concerns about the impact the covered porches would have on the adjacent properties as they related to the requested building depth. Member Yan suggested the applicant make reductions to the proposed plans to address neighbour concerns over the variances.

Member Reingold motioned for deferral.

Moved By: Jeamie Reingold
Seconded By: Patrick Sampson

THAT Application No. **A/038/23** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Patrick Sampson
Seconded by: Sally Yan

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:30 pm, and the next regular meeting would be held on May 03, 2023.

CARRIED



Acting Secretary-Treasurer
Committee of Adjustment



Acting Chair
Committee of Adjustment

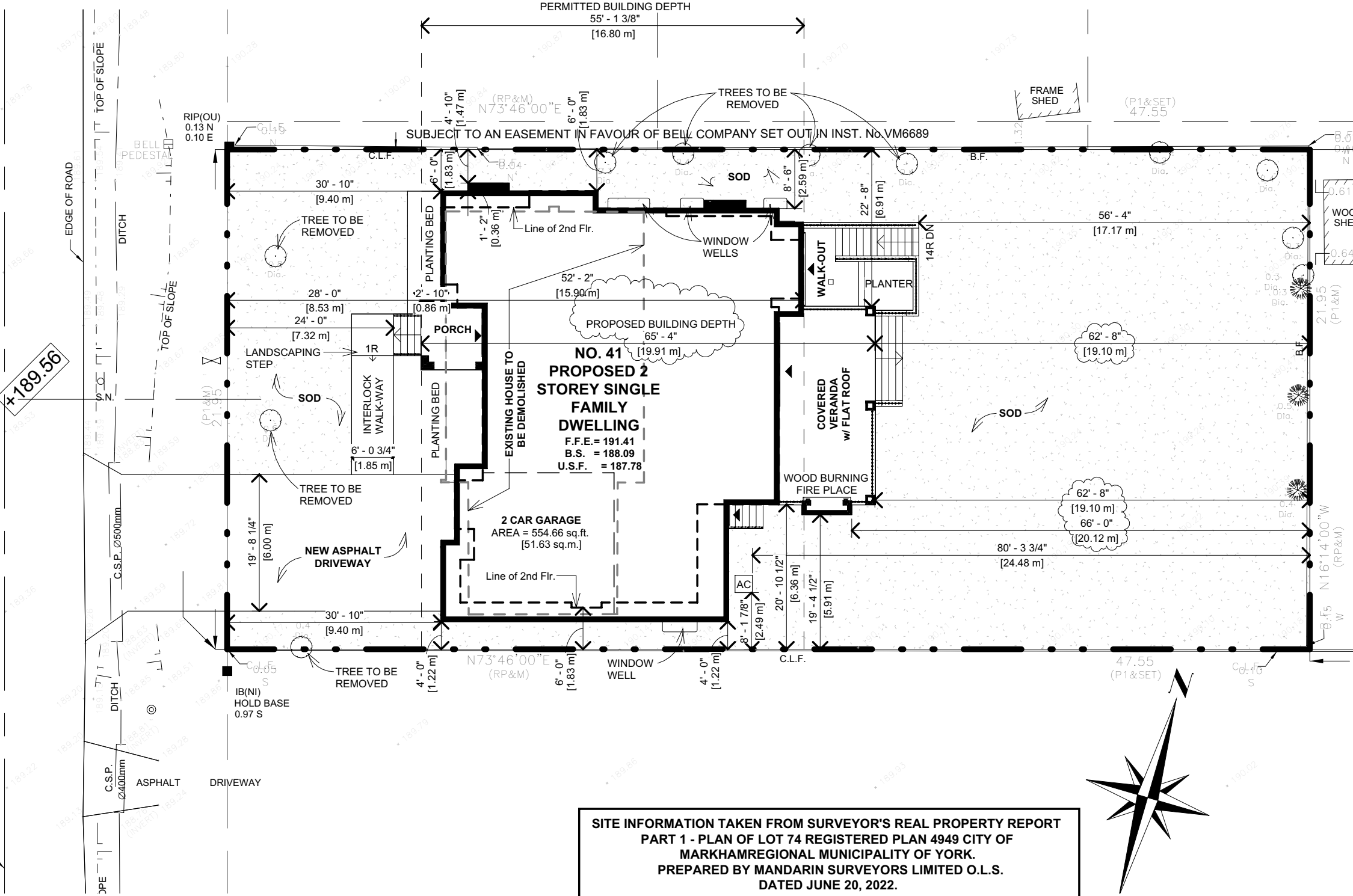
Appendix C

File: 23.116178.000.00.MNV

Date: 06/07/23
MM/DD/YY

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GALSWORTHY DRIVE



SITE INFORMATION TAKEN FROM SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF LOT 74 REGISTERED PLAN 4949 CITY OF
MARKHAM REGIONAL MUNICIPALITY OF YORK.
PREPARED BY MANDARIN SURVEYORS LIMITED O.L.S.
DATED JUNE 20, 2022.

ZONING STANDARDS	
ZONE	R1 - Residential (By-law 1229)
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	
	28.63 %
	298.76 sq.m. [3,215.84 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]
PROPOSED DEPTH	19.91m [65.32 ft]
G.F.A.	
1st Floor Area	205.12 sq.m. [2,207.91 sq.ft.]
Garage Area	48.81 sq.m. [525.40 sq.ft.]
2nd Floor Area	171.24 sq.m. [1,843.26 sq.ft.]
Total Area	425.17 sq.m. [4,576.57 sq.ft.]
NET FLOOR AREA RATIO = 4576.57 / (6600 + 1/2(11232.49 - 6600.00)) = 51.33 %	

No.	Description	Date	By
1	Submission 1	2023-03-09	RC
2	Submission 2	2023-04-27	RC

PROPOSED ADDITION

41 Galsworthy Drive

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2022-08-22
Scale	1 : 200
Project Number	22009

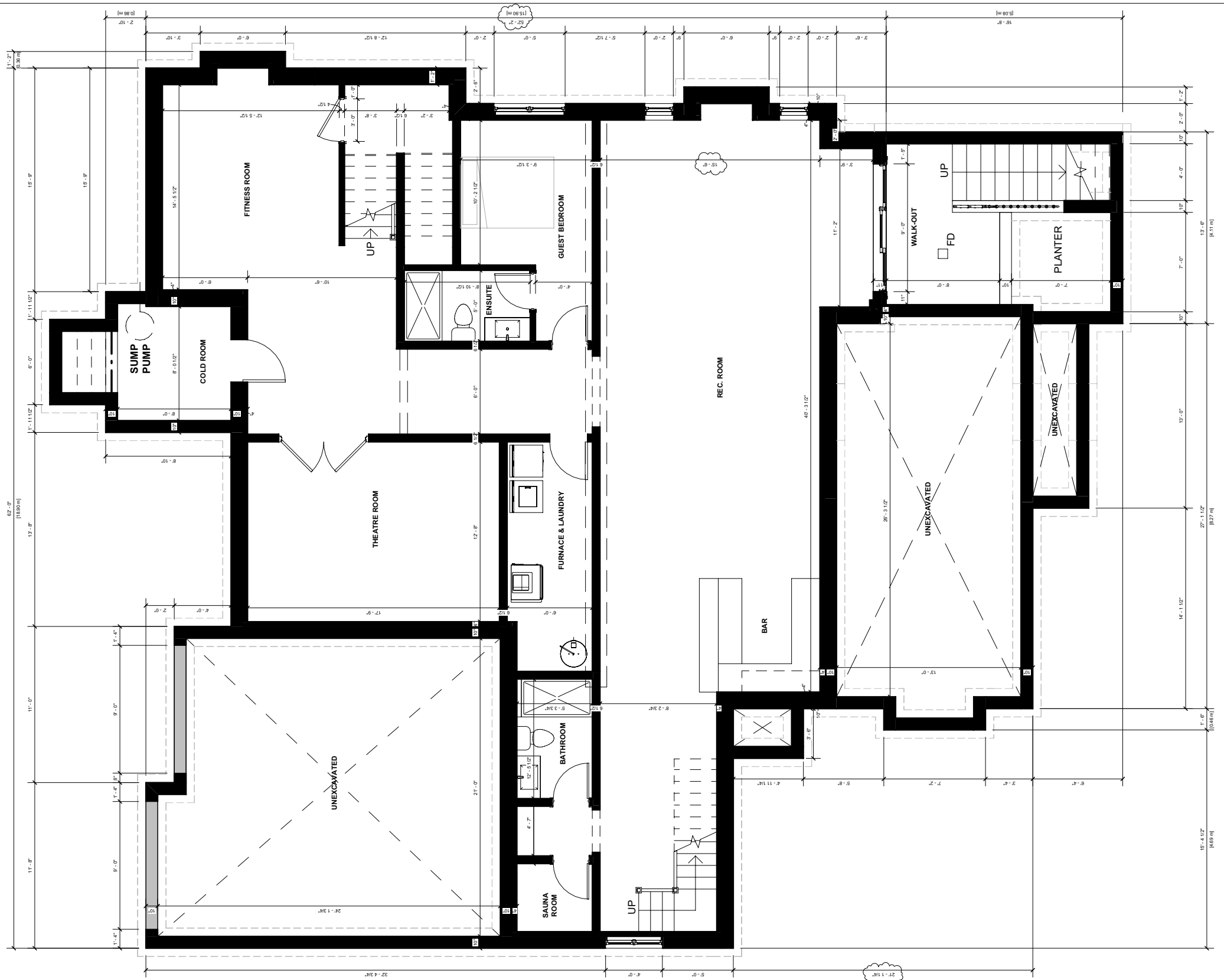
DRAWING NAME	SITE PLAN
SHEET NUMBER	A1



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No.	Description	Date	By	PROPOSED ADDITION
1	Submission 1	2023-03-09	RC	<h1 style="margin: 0;">41 Galsworthy Drive</h1> <h2 style="margin: 0;">MARKHAM, ON</h2>
2	Submission 2	2023-04-27	RC	

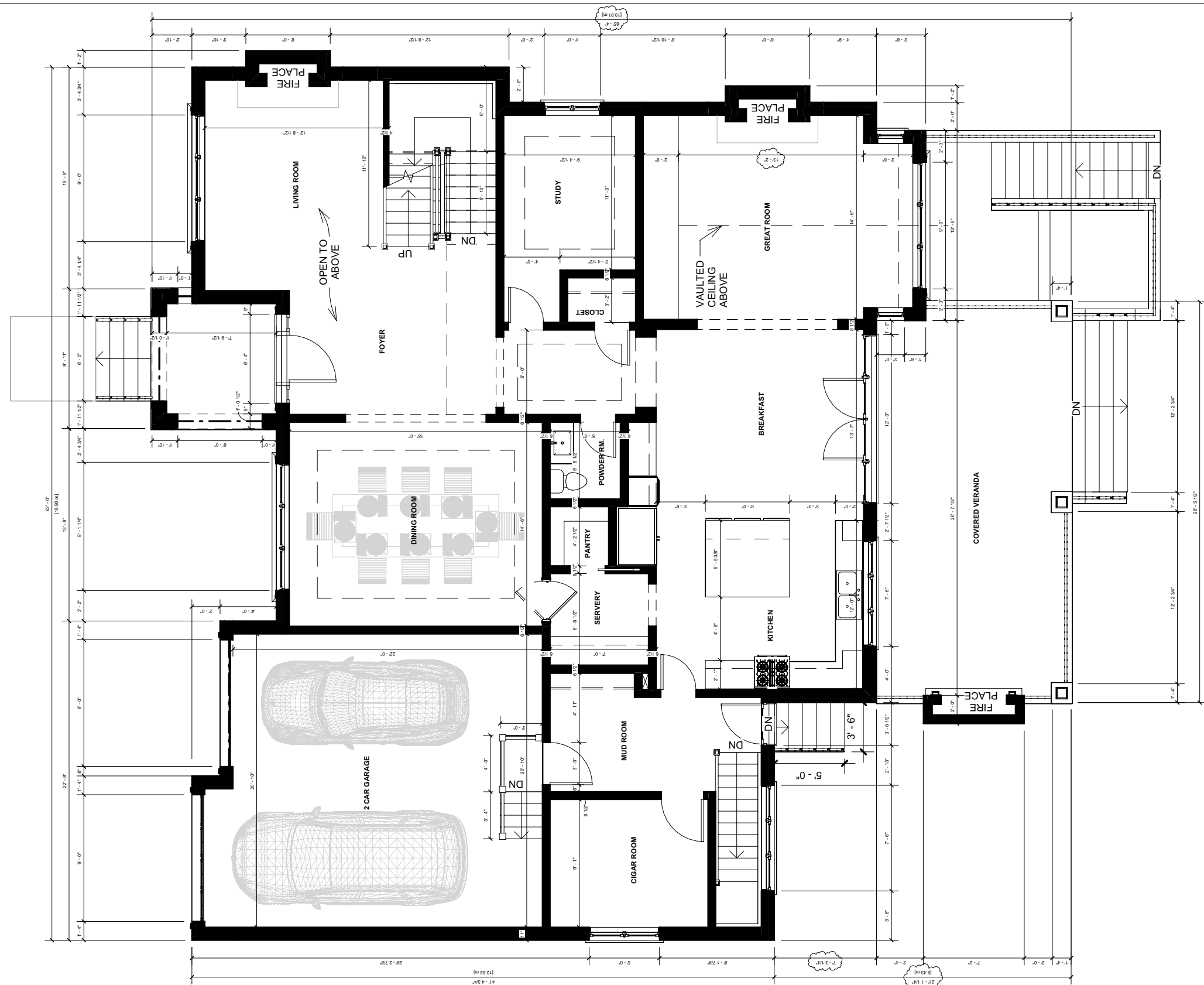
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Drawn by	RC
Date	2022-08-22
Scale	1/8" = 1'-0"
Project Number	22009

DRAWING NAME	Basement Plan
SHEET NUMBER	A2

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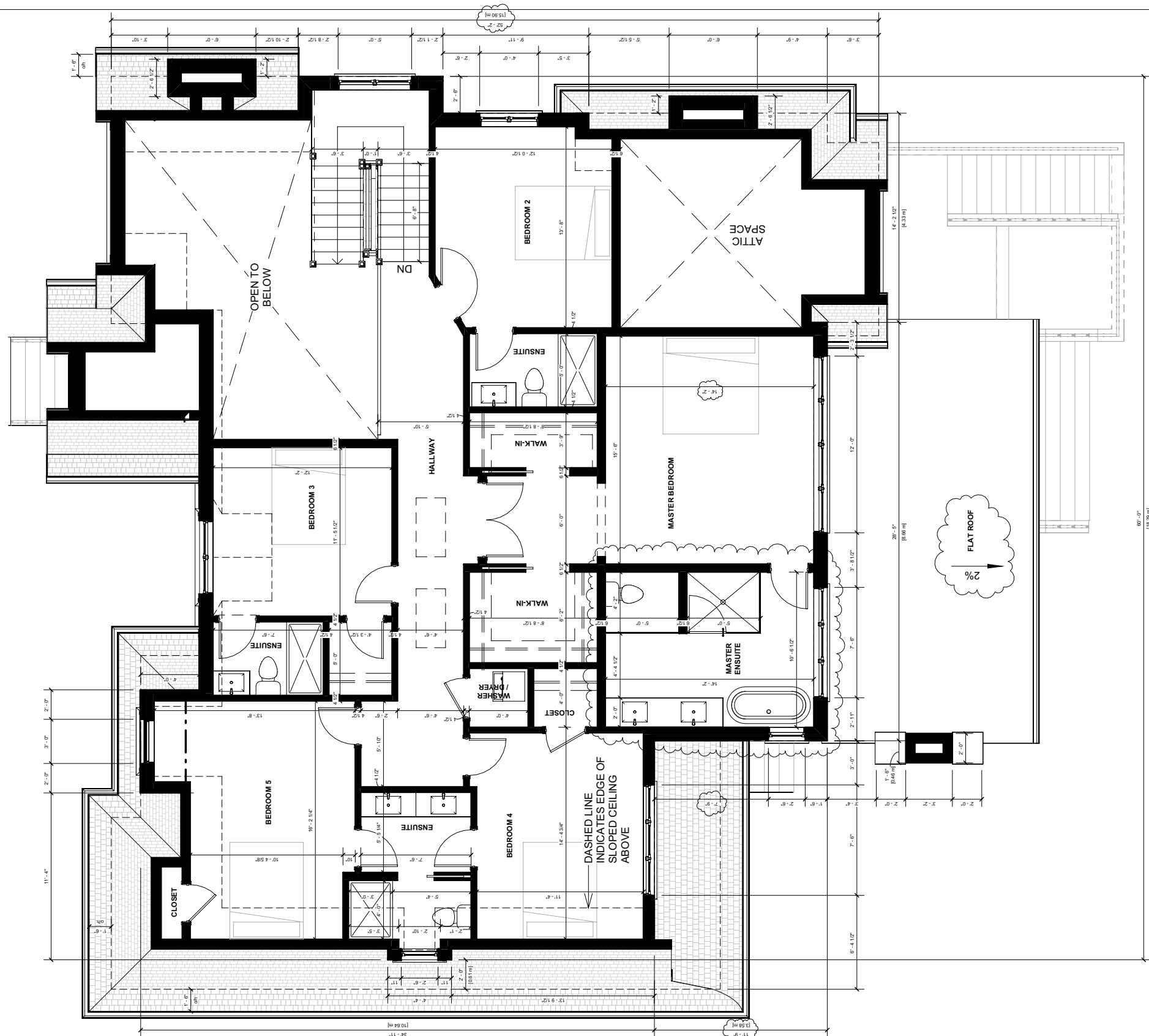
No.	Description	Date	By	PROPOSED ADDITION
1	Submission 1	2023-03-09	RC	<h1 style="margin: 0;">41 Galsworthy Drive</h1> <p style="margin: 0;">MARKHAM, ON</p>
2	Submission 2	2023-04-27	RC	

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by RC	1st Floor Plan
Date 2022-08-22	SHEET NUMBER <h1 style="margin: 0;">A3</h1>
Scale 1/8" = 1'-0"	
Project Number 22009	

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1	Submission 1	2023-03-09	RC	<h1 style="margin: 0;">41 Galsworthy Drive</h1> <p style="margin: 0;">MARKHAM, ON</p>
2	Submission 2	2023-04-27	RC	

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME	
Drawn by	RC	2nd Floor Plan	
Date	2022-08-22	SHEET NUMBER	A4
Scale	1/8" = 1'-0"		
Project Number	22009		

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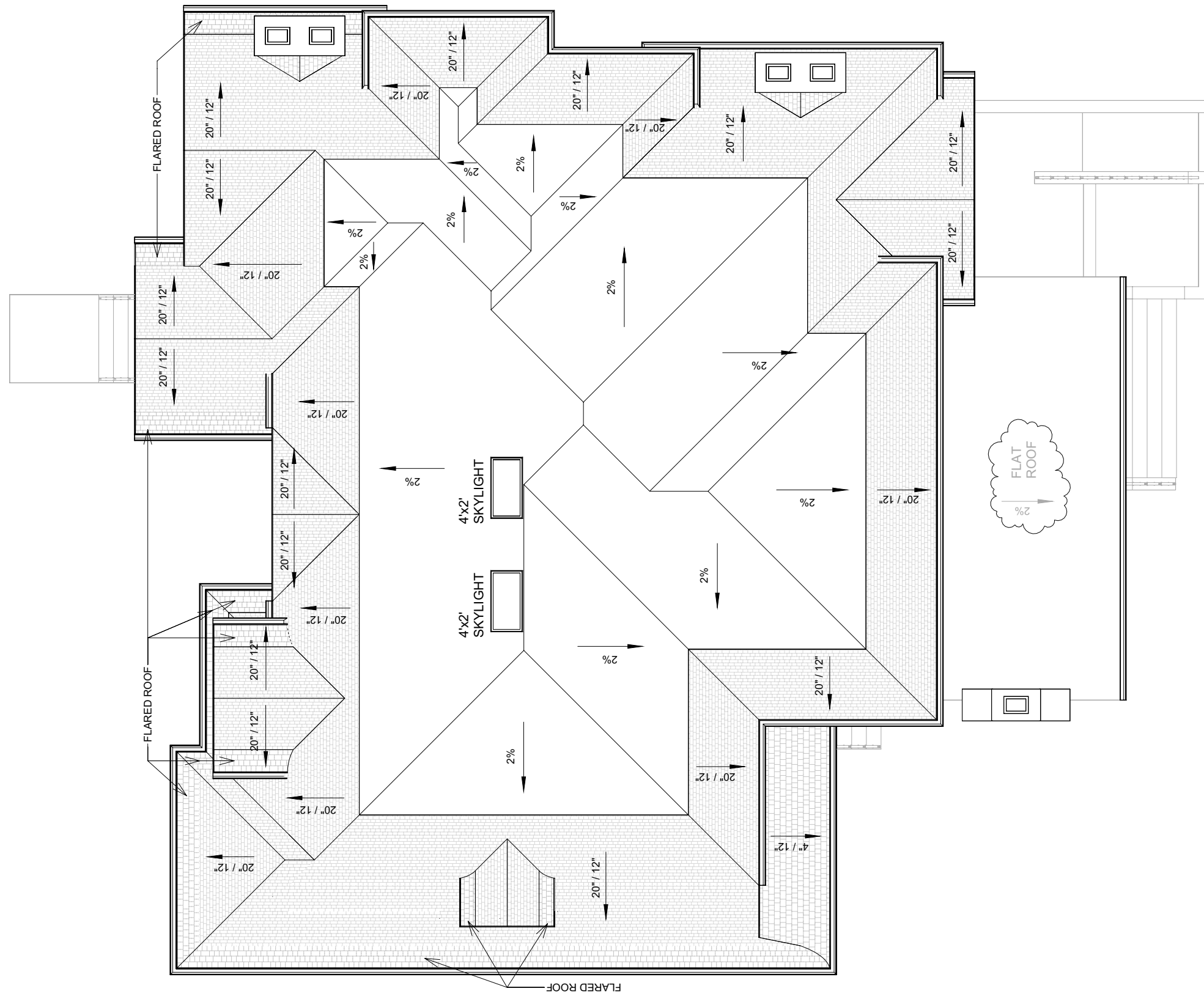
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Date: 06/07/23
MM/DD/YY



No.	Description	Date	By
1	Submission 1	2023-03-09	RC
2	Submission 2	2023-04-27	RC

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	Roof Plan
SHEET NUMBER	A5

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No.	Description	Date	By
1	Submission 1	2023-03-09	RC

PROPOSED ADDITION

41 Galsworthy Drive

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS

Drawn by: **Author**

Date: **2022-08-22**

Scale: **1/8" = 1'-0"**

Project Number: **22009**

DRAWING NAME

South 'Front' Elevation

SHEET NUMBER

A6



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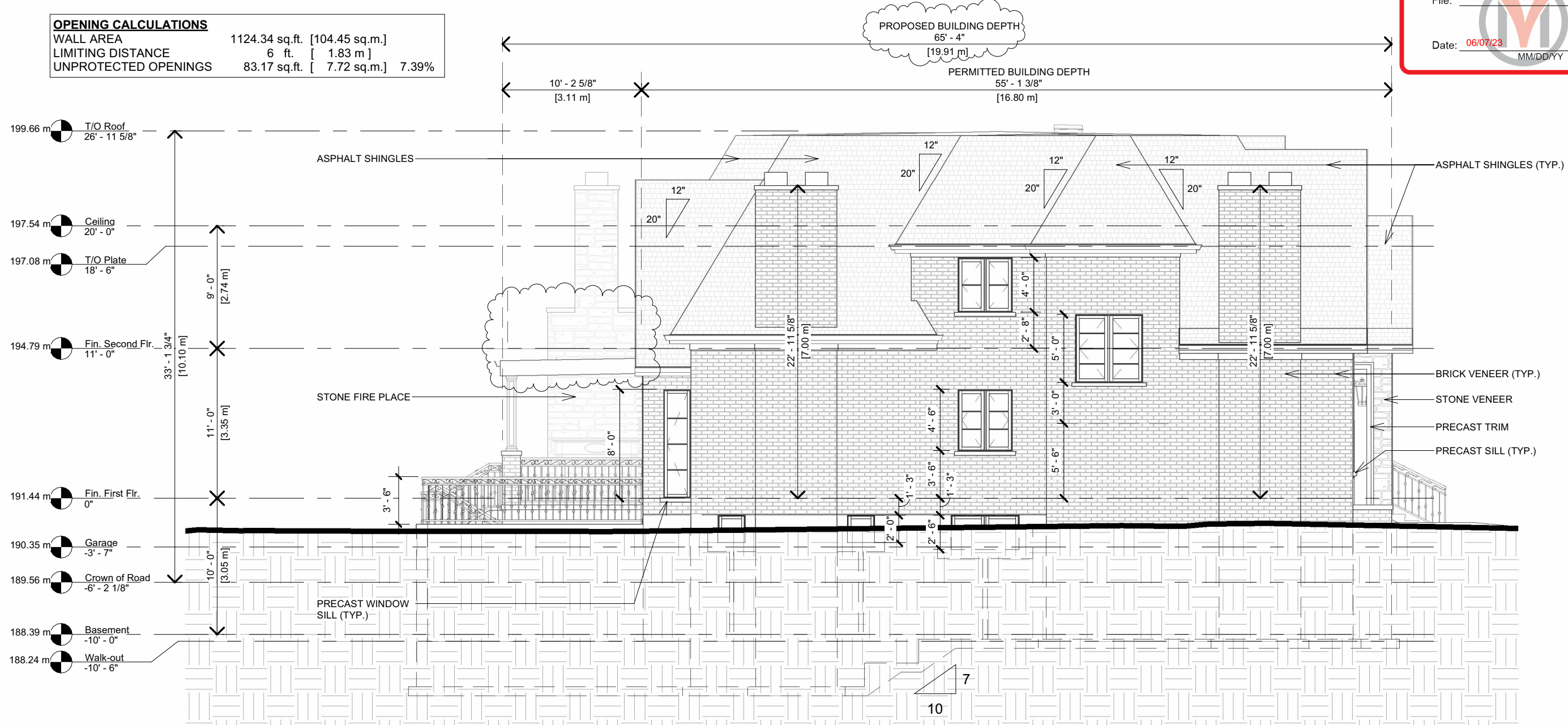
Appendix C

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Date: 06/07/23

MM/DD/YY

OPENING CALCULATIONS	
WALL AREA	1124.34 sq.ft. [104.45 sq.m.]
LIMITING DISTANCE	6 ft. [1.83 m]
UNPROTECTED OPENINGS	83.17 sq.ft. [7.72 sq.m.] 7.39%



No.	Description	Date	By
1	Submission 1	2023-03-09	RC
2	Submission 2	2023-04-27	RC

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	East Elevation
SHEET NUMBER	A8

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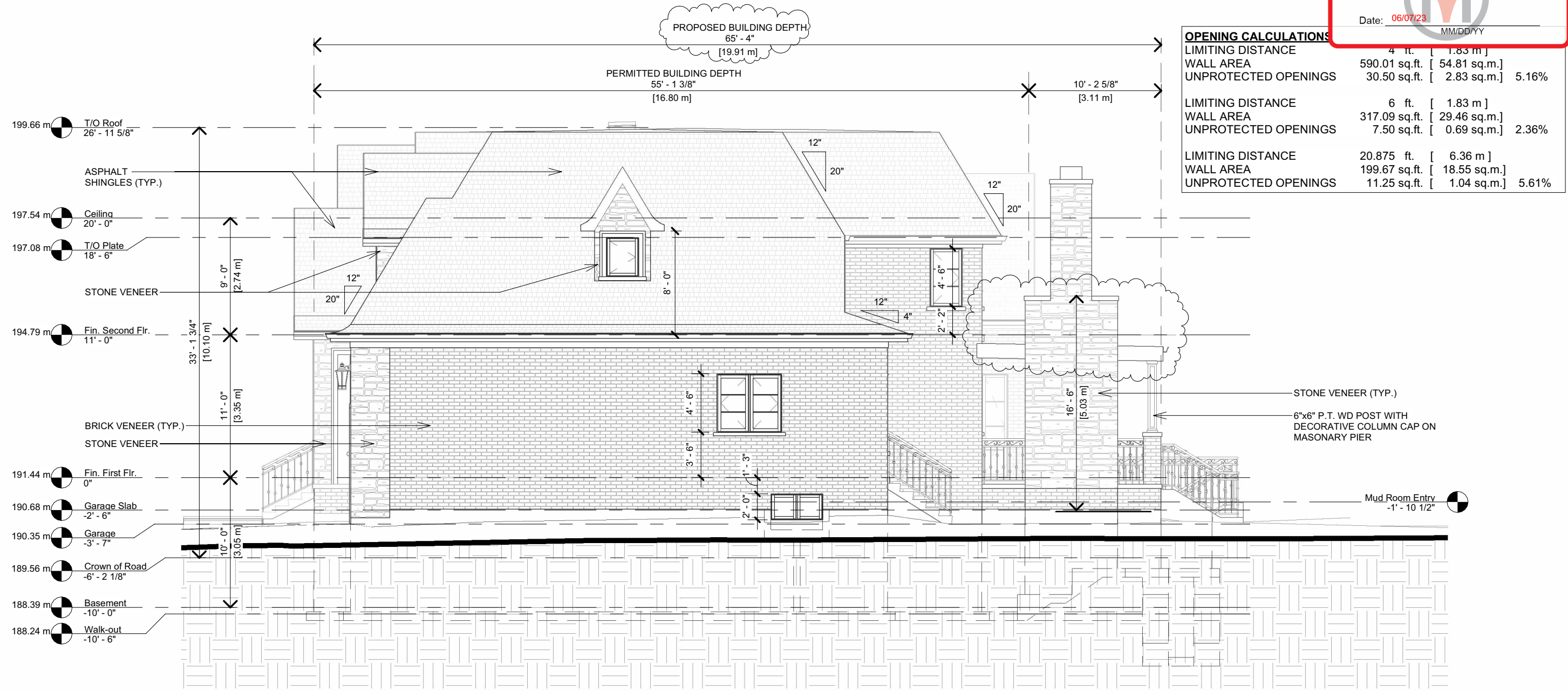
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Date: 06/07/23

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No.	Description	Date	By	PROPOSED ADDITION
1	Submission 1	2023-03-09	RC	<h1 style="margin: 0;">41 Galsworthy Drive</h1> <p style="margin: 0;">MARKHAM, ON</p>
2	Submission 2	2023-04-27	RC	

CONTRACTOR SHALL CHECK DIMENSIONS

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

DRAWING NAME	SHEET NUMBER
West Elevation	A9

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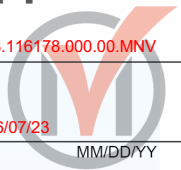
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No.	Description	Date	By	PROPOSED ADDITION <h1 style="text-align: center;">41 Galsworthy Drive</h1> <p style="text-align: center;">MARKHAM, ON</p>	CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME
1	Submission 1	2023-03-09	RC		Drawn by RC Date 2022-08-22 Scale Project Number 22009	Front Perspective SHEET NUMBER <h1 style="text-align: center;">SK1</h1>



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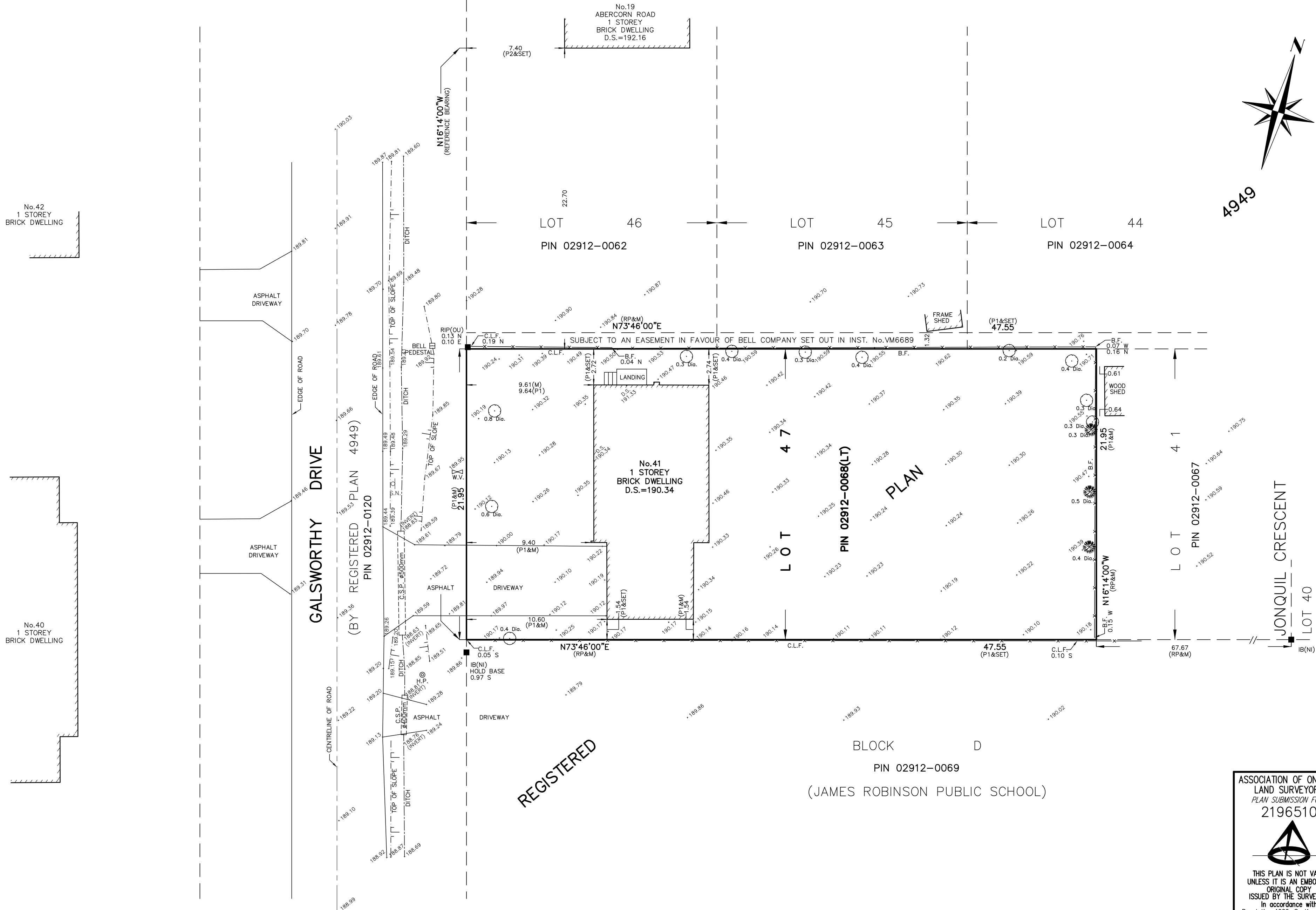
File: 23.116178.000.00.MNV

Date: 06/07/23

MM/DD/YY



No.	Description	Date	By	PROPOSED ADDITION <h2 style="margin: 0;">41 Galsworthy Drive</h2> MARKHAM, ON	CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME	 ZERO DEGREE STUDIO 280 SHIELDS COURT, UNIT B MARKHAM ON L3R 8V2 info@zerodegreestudio.ca
1	Submission 1	2023-03-09	RC		Drawn by RC Date 2022-08-22 Scale Project Number 22009	Rear Perspective SHEET NUMBER <h1 style="margin: 0;">SK2</h1>	



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

Appendix C
 File: 23.118178.000.MNV
 Date: 06/07/22

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).

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

REGISTERED

APPENDIX “D” – A/038/23 CONDITIONS OF APPROVAL

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 “C” 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 “E” 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 “E” – METROLINX COMMENTS: March 28, 2023



To: Shawna Houser, Secretary-Treasurer, Committee of Adjustment
From: Farah Faroque, Intern
Adjacent Developments GO Expansion - Third Party Projects Review - Metrolinx
Date: March 28th, 2023
Re: **A/038/23 - 41 Galsworthy Drive, Markham**

Metrolinx is in receipt of the minor variance application for 41 Galsworthy Dr, Markham to facilitate the construction of a new two-storey single detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Ryan.Courville@Metrolinx.com or Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor:
 - **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 me.

Best regards,
Farah Faroque
Intern, Third Party Projects Review
Metrolinx
20 Bay Street Suite 600, Toronto



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.