

# Memorandum to the City of Markham Committee of Adjustment

June 19, 2023

**File:** A/087/23  
**Address:** 37 German Mills Road, Markham (Thornhill)  
**Applicant:** Gurcharn Gahir  
**Owner:** Gurcharn Gahir  
**Hearing Date:** Wednesday, June 28, 2023

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

The Applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements of By-law 2571, as amended, as it relates to an existing condition for a second floor addition above garage. The variance requested is to permit:

**a) By-law 2571, Schedule B:**

a front yard setback of 25 feet and 10 inches to the dwelling, whereas the By-law requires a minimum front yard setback of 27 feet to the dwelling.

## **BACKGROUND**

### **Property Description**

The 696.03 m<sup>2</sup> (7,492 ft<sup>2</sup>) Subject Lands are located on the north side of German Mills Road, generally east of Simonston Boulevard, and west of Don Mills Road (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing 261.24 m<sup>2</sup> (2,812 ft<sup>2</sup>) two-storey detached dwelling on the Subject Lands which was constructed in 1973, according to assessment records. Mature vegetation exists on the property including one large mature tree in the front yard and two mature trees with various sizes in the rear yard.

### **Proposal**

The Applicant has constructed a second floor addition with a gross floor area of 22.30 m<sup>2</sup> (240 ft<sup>2</sup>), as shown in Appendix “B”, and requires a minor variance to bring the second floor addition into compliance with the Zoning By-law. The Applicant had applied for and obtained a building permit in 2008 to allow the construction of the front second storey addition with uninhabitable space. The Applicant has recently applied for a building permit to convert the uninhabitable space to habitable space, and it was found the permit for the existing addition had not yet been closed. This resulted in the need for an as-built building permit where during the permit process, it was identified that a minor variance to the Zoning By-law is required.

## **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 criteria 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 2571, as amended

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 2571, as amended, which permits a single detached dwelling. The existing development does not comply with the By-law requirements with respect to front yard setback.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (HP 08 126139) 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

### **Reduction in Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 25 feet and 10 inches (7.87 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 metres). This represents a reduction of approximately 1 foot 2 inches (0.36 metres).

The requested variance is attributable to the fact that the second storey addition was built directly above the first storey of the existing dwelling providing 25 feet, 10 inches front yard setback, whereas the By-law requires an increased side yard setback for an additional storey as noted above.

Staff are of the opinion that the proposed front yard setback which maintains a consistent front wall to accommodate the second storey addition is minor in nature and have no concern with the requested variance.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of June 19, 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:



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Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



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Rick Cefaratti, MCIP RPP, Senior Planner II, West District

**APPENDICES**

- Appendix “A” – Aerial Context Photo
- Appendix “B” – Plans
- Appendix “C” – A/087/23 Conditions of Approval





Legend

- Parcel Overlay
- Parcel
- Park Facility
- Parks**
- Under Development
- <all other values>

1: 2,257



114.7 0 57.33 114.7 Meters

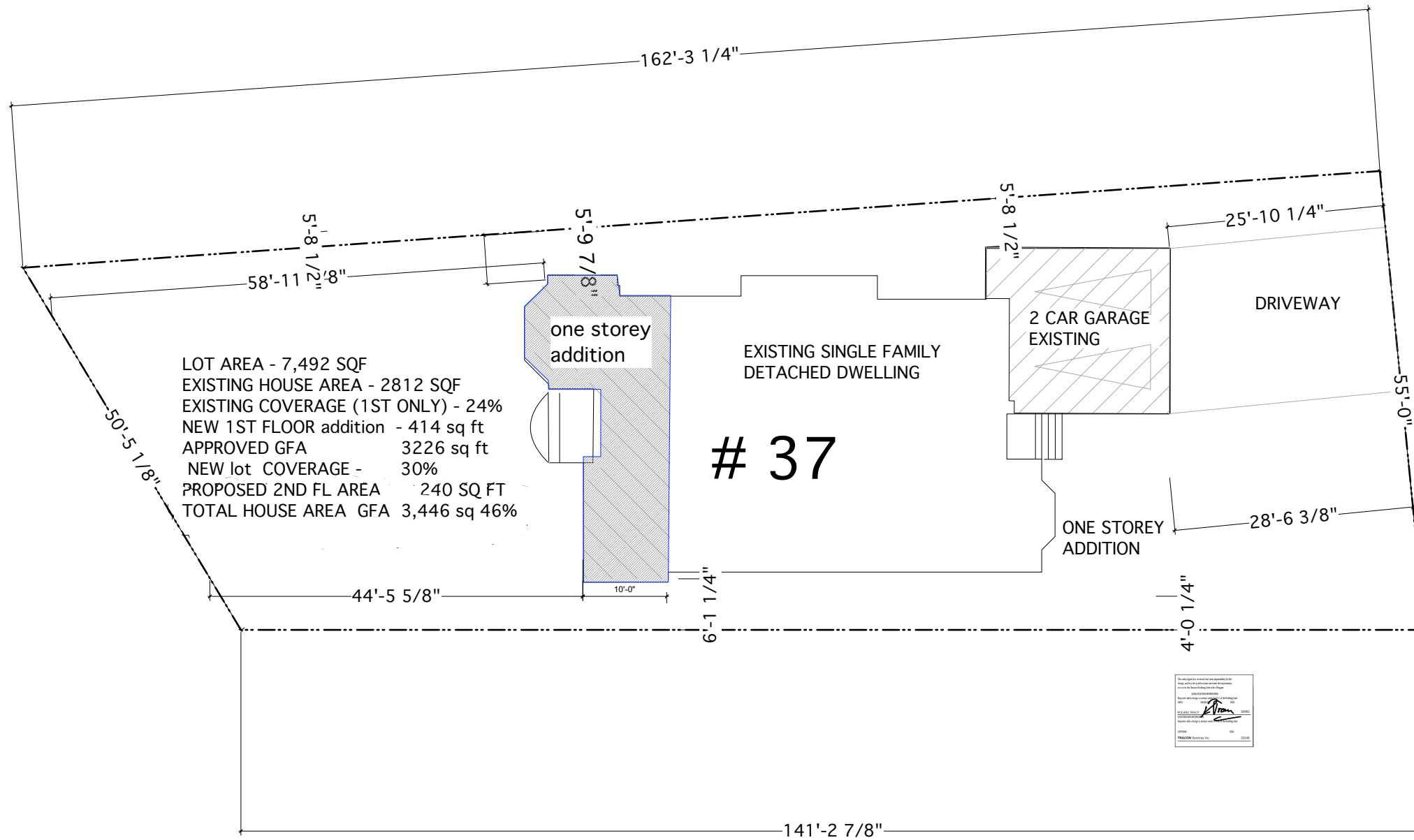
Notes

# Appendix B

File: 23.122667.000.00.MNV  
 Date: 06/19/23 / MM/DD/YY

Lot Area-7,492 sq.ft  
 Existing House Area-3,193 sq.ft  
 Existing Coverage (1st only)-24%  
 Allowable Addition-Total Area-2,497 sq.ft  
 Proposed Coverage-33 1/3 If Maxed Out  
 Addition Could Be As Big as You Want it to Be

GENERAL NOTES:  
 DO NOT SCALE DRAWINGS  
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE  
 AND REPORT ANY ERRORS AND OMISSIONS TO THE  
 DESIGNER IN WRITING BEFORE WORK COMMENCES  
 ALL DRAWINGS AND SPECIFICATIONS TO REMAIN  
 THE PROPERTY OF THE DESIGNER



GERMAN MILLS ROAD


NO.	DATE	ISSUES & REVISIONS

**Sol Arch Limited**  
 301 Keewatin Avenue  
 Toronto, Ontario M4P 2A4  
 (p) 416-486-4100  
 (f) 416-486-6857

PROJECT  
**PROPOSED ADDITIONS**  
 37 GERMAN MILLS ROAD  
 THORNHILL, ONTARIO L3T 4H4

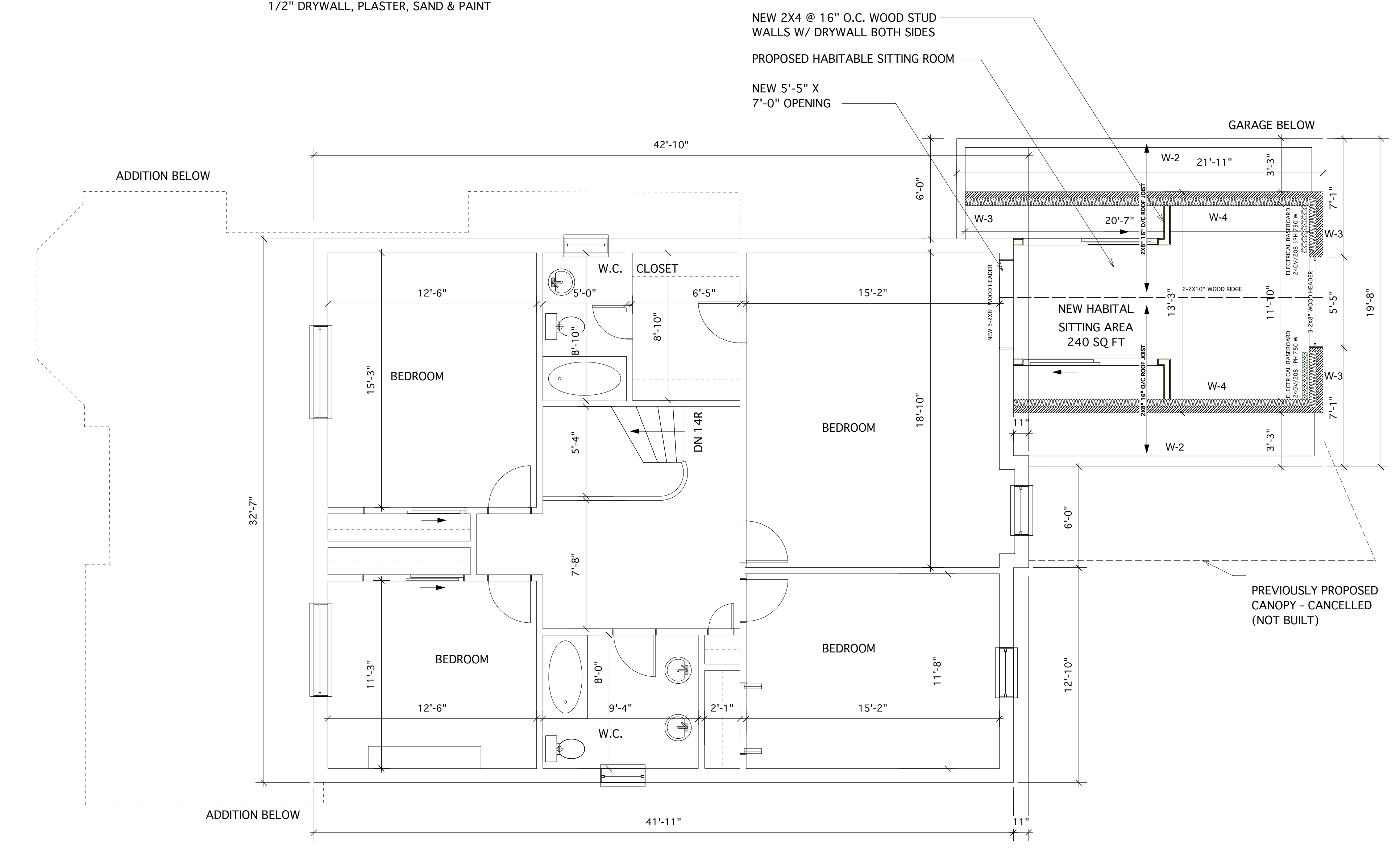
**A001**  
 SITE PLAN  
 PDF

DATE: 08/2008      SCALE: 1/16" = 1'-0"



REVISION HISTORY			
REV	DESCRIPTION	DATE	APPROVED
1	Rear Addition Revision	5/4/09	
2	2nd Floor Addition Revision	5/25/23	

- W-2 STUCCO/ EIF SYSTEM AS PER O.B.C. 9.28  
 W/ 2" EXPANDED POLYSTYRENE (RSI 1.62)  
 5/8" EXTERIOR SHEATHING  
 2"X6" @ 16" O.C. WOOD STUD  
 W/ R20 (RSI 3.52) BATT INSULATION
- W-3 STUCCO/ EIF SYSTEM AS PER O.B.C. 9.28  
 W/ 2" EXPANDED POLYSTYRENE (RSI 1.62)  
 5/8" EXTERIOR SHEATHING  
 2"X6" @ 16" O.C. WOOD STUD  
 W/ R20 (RSI 3.52) BATT INSULATION  
 6 MIL. POLY A/V BARRIER  
 CAULK ALL OPENINGS AND SEAMS  
 1/2" DRYWALL, PLASTER, SAND & PAINT
- W-4 2"X6" @ 16" O.C. WOOD STUD  
 W/ R20 (RSI 3.52) BATT INSULATION  
 6 MIL. POLY A/V BARRIER  
 CAULK ALL OPENINGS AND SEAMS  
 1/2" DRYWALL, PLASTER, SAND & PAINT



No.	Date	Issue Notes
Design Firm <b>Sol-Arch</b> 301 Keswatin Avenue Toronto, Ontario M4P-2A4 (p)416-486-4100 (f)416-486-6857		
Consultant <b>37 GERMAN MILLS ROAD</b> Permit Revision		
Drawing Title <b>SECOND FLOOR PLAN</b> A003-Second-Floor.		
Project Manager <b>Jonathan</b>	Project ID	
Drawn By <b>Jonathan</b>	Scale <b>1:50</b>	
Reviewed By <b>John</b>	Drawing No.	
Date <b>MAY 25 / 2023</b>		<b>3</b> of
CAD File Name		

REV	DESCRIPTION	DATE	APPROVED
1	Rear Addition Revision	5/1/09	

# Appendix B

File: 23.122667.000.00.MNV

Date: 06/19/23  
MM/DD/YY



X - Flat roof over entry to be cancelled in new permit request as it was not built



Sheet No.	1 of 1
Scale	1/8" = 1'-0"
Project Name	A005-Front-Elevation
Address	37 German Mills Road
Permit Revision	Permit Revision
Front Elevation	
Drawn by	
Checked by	
Date	06/19/23





**APPENDIX “C” – A/087/23 Conditions of Approval**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/087/23**

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

CONDITIONS PREPARED BY:



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Hussnain Mohammad, Planner 1, Development Facilitation Office