

Memorandum to the City of Markham Committee of Adjustment

October 25, 2023

File: A/150/23
Address: 34 Pheasant Valley Court, Markham (Thornhill)
Applicant: Eden Engineering & Design Inc. (Albert Yerushalmi)
Owner: Eden Engineering & Design Inc. (Albert Yerushalmi)
Hearing Date: Wednesday, November 1, 2023

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

The Owner is requesting relief from the following "Fourth Density Single Family Residential (R4)" zone requirements of By-law 2237, as amended, as it relates to a proposed sunroom addition. The variances requested are to permit:

- a) **By-law 2237, Section 6.1:**
a maximum lot coverage of 33.90 percent (2,693 sq. ft), whereas the By-law permits a maximum lot coverage of 33 1/3 percent (2,645 sq. ft).
- b) **Amending By-law 101-90, Section 1.2 (iv):**
a maximum building depth of 24.92 metres, whereas the By-law permits a maximum building depth of 16.80 metres.
- c) **Amending By-law 101-90, Section 1.2 (vii):**
a maximum floor area ratio of 59.90 percent (4,453 sq. ft), whereas the By-law permits a maximum floor area ratio of 50 percent (3,548 sq. ft).

BACKGROUND

Property Description

The 738 m² (7,941 ft²) Subject Lands are located on the north side of Pheasant Valley Court, east of Doreen Quirk Park, and generally west of Dudley Avenue (refer to Appendix "A" – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. There is an existing 340 m² (3,656 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 1971, according to assessment records.

In 2008, the Committee approved a Minor Variance Application to allow for a floor area ratio of 58.49 percent (3,656 ft²); a building depth of 17.75 metres; a 33.70 percent lot coverage; and, an east side yard setback of 1.50 metres (4.95 feet). Since 2008, the Applicant has obtained additional lot area at the rear of the Subject Lands by obtaining 156 m² (1,689 ft²) from the City. As such, the current variances requested are based off a net lot area 7,096 ft².

Proposal

The Owner is proposing to construct a 55.46 m² (597 ft²) one-storey rear sunroom addition 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, and 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 2237, as amended

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 2237, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the maximum lot coverage.

Residential Infill Zoning By-law 101-90

The Subject Lands are also subject to Residential Infill Zoning By-law 101-90. 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 building depth, and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on July 27, 2023 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.

Increase in Maximum Lot Coverage Variance

The Owner is requesting relief to permit a maximum lot coverage of 33.90 percent (2,693 ft² or 250 m²), whereas a maximum lot coverage of 33 1/3 percent (2,645 ft² or 245 m²) is permitted. The requested increase in lot coverage includes a proposed rear one-storey sunroom addition which will add approximately 55.46 m² (597 ft²) to the overall building area.

Staff note that the proposed one-storey sunroom does not extend along the entire rear wall of the dwelling and are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling. Staff are satisfied that the

requested variance is appropriate for the lot, and maintains the general intent and purpose of the By-law.

Increase in Maximum Floor Area Ratio

The Owner is requesting relief to permit a floor area ratio of 59.90 percent, whereas a maximum floor area ratio of 50 percent is permitted. The requested variance also relates to the proposed one-storey sunroom addition to an existing dwelling with a total gross floor area of 395 m² (4,253 ft²), whereas the By-law permits a dwelling with a maximum floor area of 329 m² (3,548 ft²). This represents an increase of approximately 65 m² (705 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 most other zoning provisions 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.

In 2008, Committee approved a Minor Variance Application to allow for a floor area ratio of 58.49 percent (3,656 ft²), whereas the by-law permits a maximum floor area ratio of 50 percent (3,125 ft²). Since 2008, the Applicant obtained additional lot area at the rear of the lot in lands obtained from the City and is requesting a greater floor area ratio of 59.90 percent (4,453 ft²) based on a larger net lot area of 7,096 ft².

Staff are of the opinion that since the overall massing of the dwelling from the streetscape has not changed, the proposed maximum floor area ratio is compatible with development on the street, and therefore have no concern with the requested variance.

Increase in Maximum Building Depth Variance

The Owner is requesting relief to permit a maximum building depth of 24.92 metres (81.76 feet), whereas the By-law permits a maximum building depth of 16.80 metres (55.12 feet). This represents an increase of approximately 8.12 metres (26.64 feet).

The variance includes a rear one-storey covered sunroom, which adds approximately 5.54 metres (18.18 feet) to the overall depth of the building. City records also indicate a Minor Variance was received in 2008, to permit a maximum building depth of 17.75 metres (58.23 feet), whereas the By-law permits a maximum building depth of 16.80 metres (55.12 feet). This represents an increase of 7.17 metres (25.52 feet) from the previously approved maximum building depth.

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.

Staff are of the opinion the requested building depth to facilitate the one-storey sunroom addition is minor in nature and will not extend along the entire rear wall of the existing dwelling.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 26, 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 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 II, West District

APPENDICES

- Appendix “A” – Aerial Context Photo
- Appendix “B” – Plans
- Appendix “C” – A/150/23 Conditions of Approval



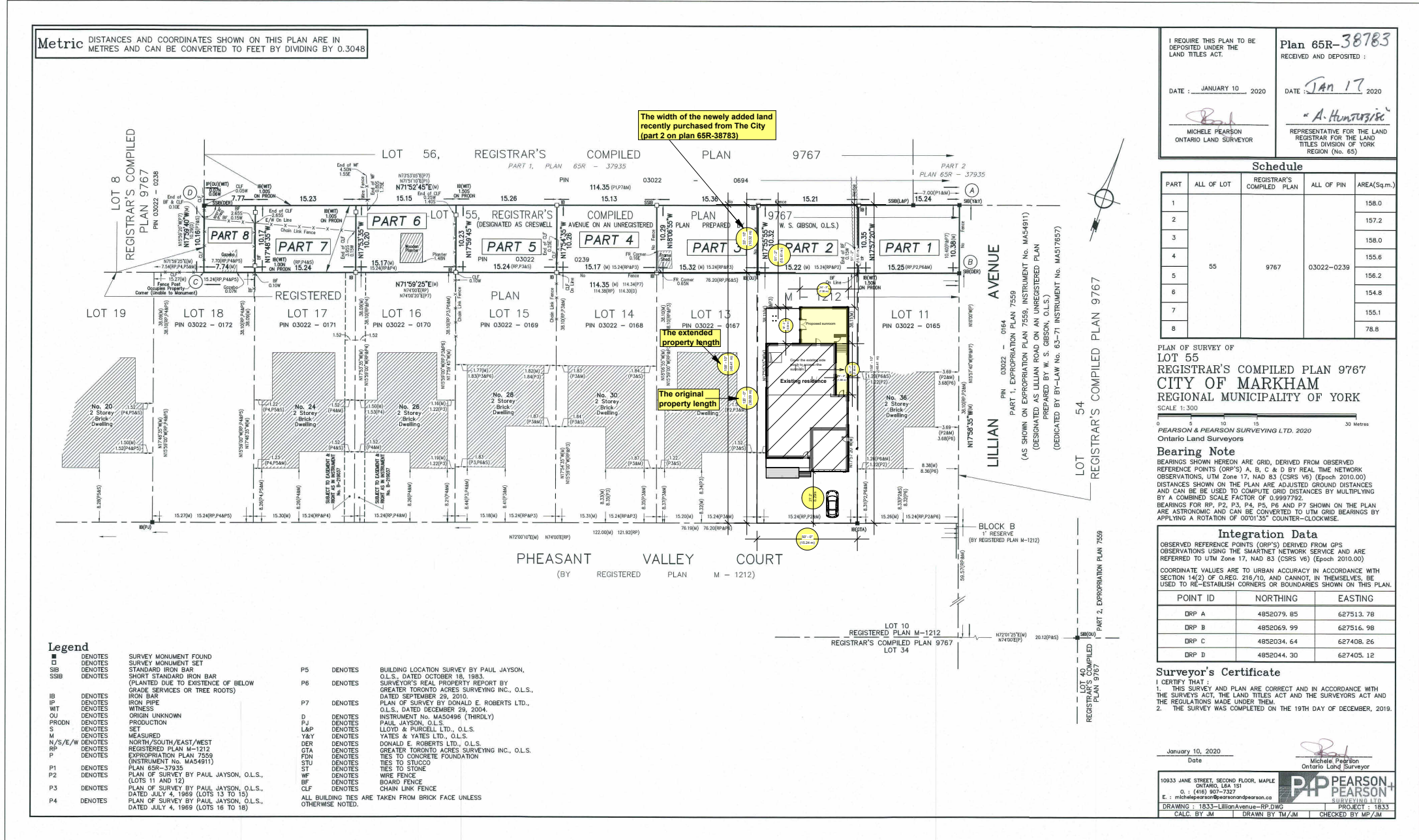
Legend

Subject Lands

1: 2,257

Notes

114.7 0 57.33 114.7 Meters



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

Plan 65R-38783
RECEIVED AND DEPOSITED:

DATE: JANUARY 10, 2020 DATE: JAN 17, 2020

MICHELE PEARSON
ONTARIO LAND SURVEYOR

A. Hunszvik
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No. 65)

PART	ALL OF LOT	REGISTRAR'S COMPILED PLAN	ALL OF PIN	AREA(Sq.m.)
1				158.0
2				157.2
3				158.0
4				155.6
5	55	9767	03022-0239	156.2
6				154.8
7				155.1
8				78.8

PLAN OF SURVEY OF LOT 55 REGISTRAR'S COMPILED PLAN 9767 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK SCALE 1:300

PEARSON & PEARSON SURVEYING LTD. 2020
Ontario Land Surveyors

Bearing Note
BEARINGS SHOWN HEREON ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A, B, C & D BY REAL TIME NETWORK OBSERVATIONS, UTM Zone 17, NAD 83 (CSRS V5) (Epoch 2010.00) DISTANCES SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE USED TO COMPUTE GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9997792. BEARINGS FOR RP, P2, P3, P4, P5, P6 AND P7 SHOWN ON THE PLAN ARE ASTRONOMIC AND CAN BE CONVERTED TO UTM GRID BEARINGS BY APPLYING A ROTATION OF 00°01'35" COUNTER-CLOCKWISE.

Integration Data
OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING THE SMARTNET NETWORK SERVICE AND ARE REFERRED TO UTM Zone 17, NAD 83 (CSRS V5) (Epoch 2010.00) COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF OREG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID	NORTHING	EASTING
DRP A	4852079.85	627513.78
DRP B	4852069.99	627516.98
DRP C	4852034.64	627408.26
DRP D	4852044.30	627405.12

Surveyor's Certificate
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE LAND TITLES ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 19TH DAY OF DECEMBER, 2019.

January 10, 2020
Date

Michele Pearson
Ontario Land Surveyor

10933 JANE STREET, SECOND FLOOR, MAPLE ONTARIO, L6A 1S1
O: (416) 607-7327
E: michele.pearson@pearson.ca
DRAWING: 1833-Lillian Avenue-PP.DWG PROJECT: 1833
CALC. BY JM DRAWN BY TM/JM CHECKED BY MP/JM

- Legend**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - ▨ DENOTES STANDARD IRON BAR
 - ▧ DENOTES SHORT STANDARD IRON BAR (PLANTED DUE TO EXISTENCE OF BELOW GRADE SERVICES OR TREE ROOTS)
 - IB DENOTES IRON PIPE
 - WIT DENOTES WITNESS
 - OU DENOTES ORIGIN UNKNOWN
 - PRODN DENOTES PRODUCTION
 - S DENOTES SET
 - M DENOTES MEASURED
 - N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST
 - RP DENOTES REGISTERED PLAN M-1212
 - P DENOTES EXPROPRIATION PLAN 7559 (INSTRUMENT No. M454911)
 - P1 DENOTES PLAN 65R-37935
 - P2 DENOTES PLAN OF SURVEY BY PAUL JAYSON, O.L.S. (LOTS 11 AND 12)
 - P3 DENOTES PLAN OF SURVEY BY PAUL JAYSON, O.L.S. DATED JULY 4, 1989 (LOTS 13 TO 15)
 - P4 DENOTES PLAN OF SURVEY BY PAUL JAYSON, O.L.S. DATED JULY 4, 1989 (LOTS 16 TO 18)
 - P5 DENOTES BUILDING LOCATION SURVEY BY PAUL JAYSON, O.L.S. DATED OCTOBER 18, 1985
 - P6 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY GREATER TORONTO ACRES SURVEYING INC., O.L.S. DATED SEPTEMBER 29, 2010
 - P7 DENOTES PLAN OF SURVEY BY DONALD E. ROBERTS LTD., O.L.S. DATED DECEMBER 29, 2004
 - D DENOTES INSTRUMENT No. M450496 (THIRDLY)
 - FJ DENOTES PAUL JAYSON, O.L.S.
 - L&P DENOTES LLOYD & PURCELL LTD., O.L.S.
 - Y&Y DENOTES YATES & YATES LTD., O.L.S.
 - DER DENOTES DONALD E. ROBERTS LTD., O.L.S.
 - OTA DENOTES GREATER TORONTO ACRES SURVEYING INC., O.L.S.
 - FDN DENOTES TIES TO CONCRETE FOUNDATION
 - STU DENOTES TIES TO STUCCO
 - ST DENOTES TIES TO STONE
 - WF DENOTES WIRE FENCE
 - BF DENOTES BOARD FENCE
 - CLF DENOTES CHAIN LINK FENCE
- ALL BUILDING TIES ARE TAKEN FROM BRICK FACE UNLESS OTHERWISE NOTED.

Site Stats:

- Lot area (enlarged) : 7,941 ft2 (738 m2)
- proposed sunroom area (see plan 1) : 597 ft2 (55.4 m2)
- Existing coverage (approved by COA): 33.53% (based on the original lot area of 6,250 ft2)
- Existing footprint : 2,096 ft2 (195 m2)
- Proposed coverage (based on the enlarged lot area) : (2,096 + 597) / 7,941 = 33.9%
- Existing GFA (including the garage + the finished basement) : 3,656 ft2 (340 m2)
- Proposed GFA (including the rear proposed sunroom) : 3,656 + 597 = 4,253 ft2 (395 m2)
- floor area ratio : 4,253 / 7,941 = 53.56%
- The height will remain unchanged

① Site/Grade
1 : 750

Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer's consent. Drawings are not to be scaled

34 Pheasant Valley Ct.
Markham, ON

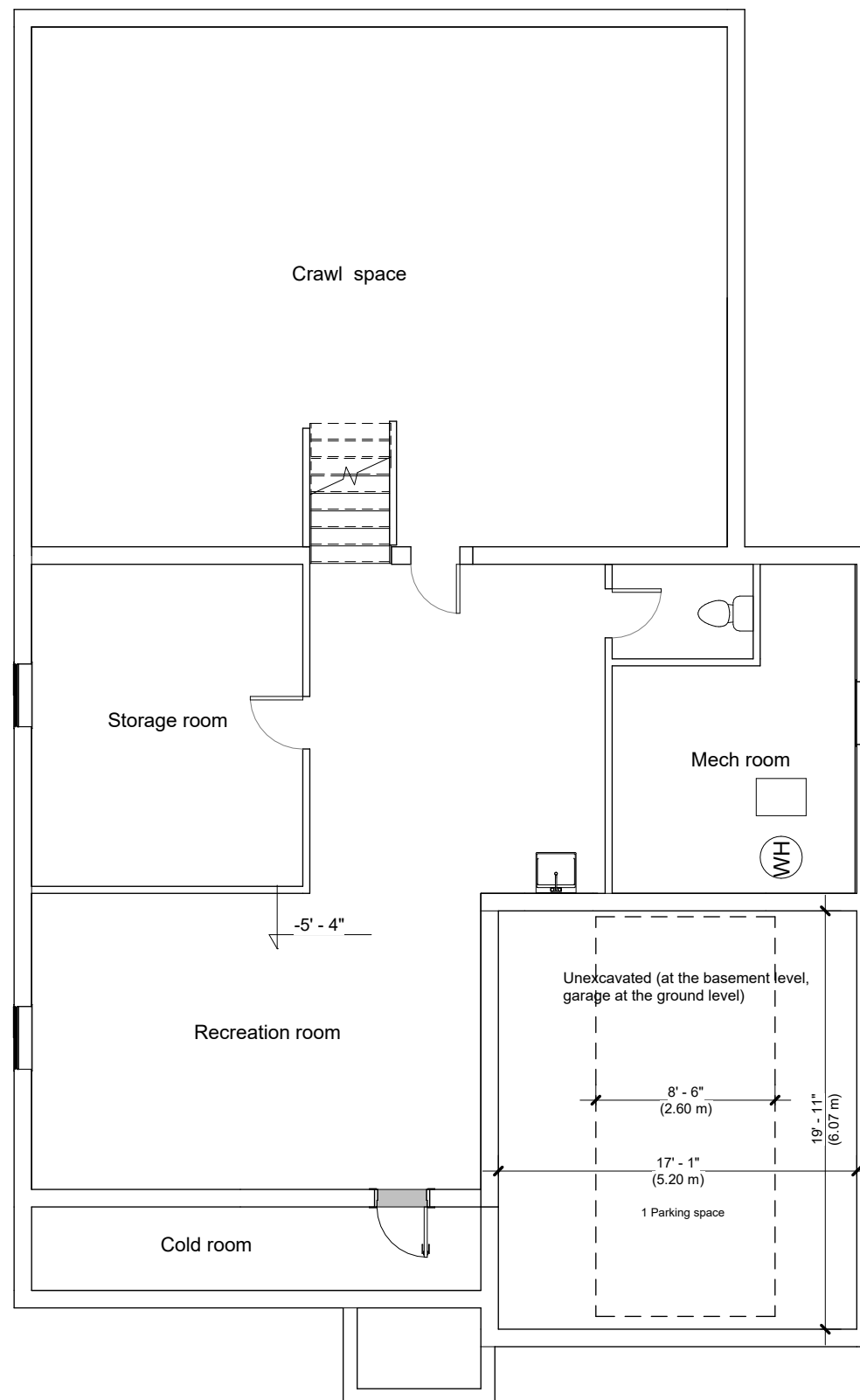
LICENSED PROFESSIONAL ENGINEER
30.5.2023
A. Yerushalmi
100070815
PROVINCE OF ONTARIO

Eden Engineering & Design Inc.
Consulting Engineers

34 Pheasant Valley Ct.
Markham, ON L3T2H1
Tel : 416-876-0957
Fax : 905-248-3595
E-mail : info@edenengineering.ca

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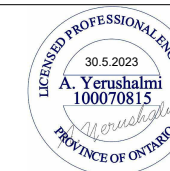
1



① Basement
1/8" = 1'-0"

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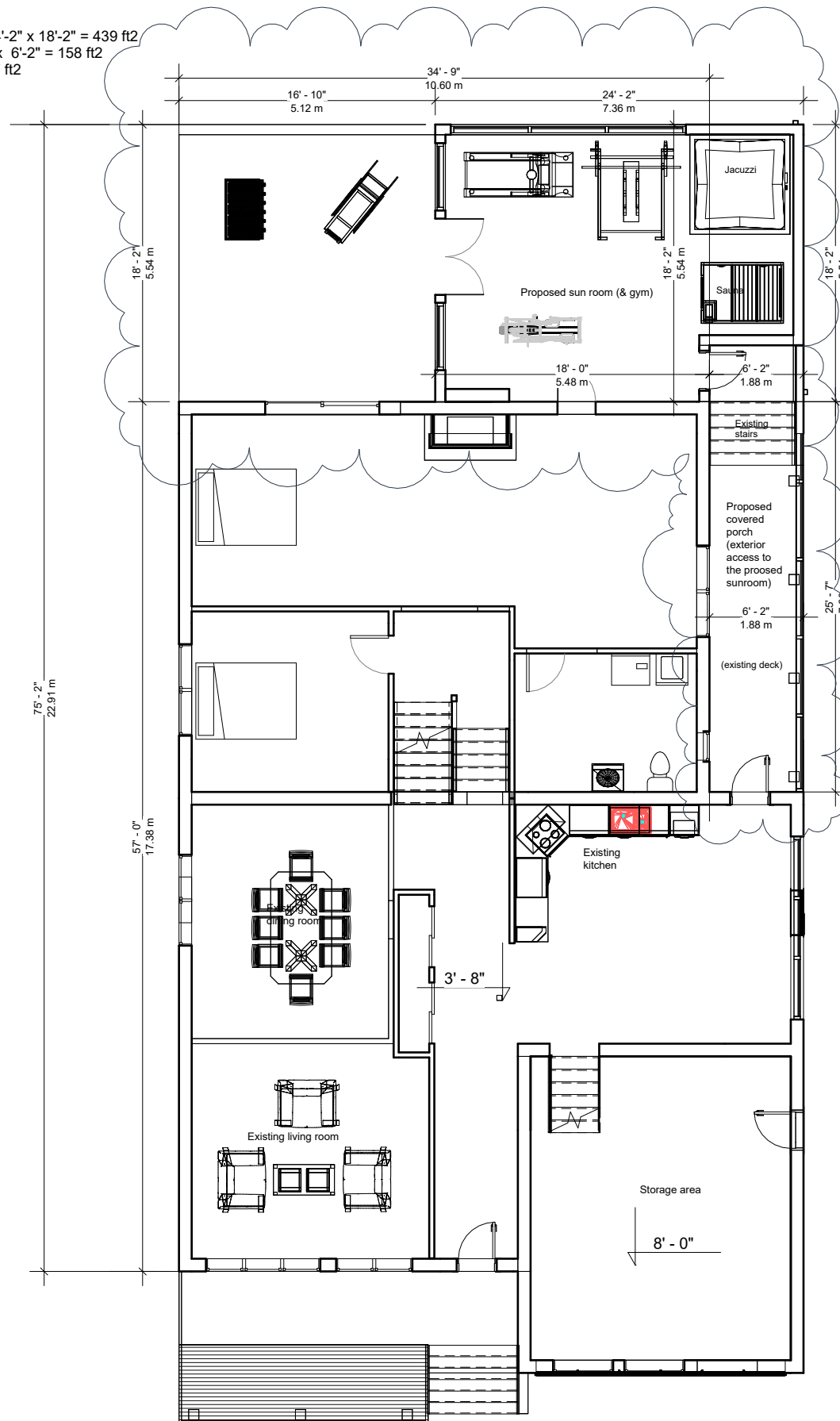


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Consulting Engineers

34 Pheasant Valley Ct.
Markham, ON L3T2H1
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Fax : 905-248-3595
E-mail : info@edenengineering.ca

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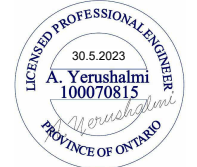
Proposed sunroom : 24'-2" x 18'-2" = 439 ft²
 covered porch : 25'-7" x 6'-2" = 158 ft²
 Total : 439 + 158 = 597 ft²



① First floor
 1" = 10'-0"

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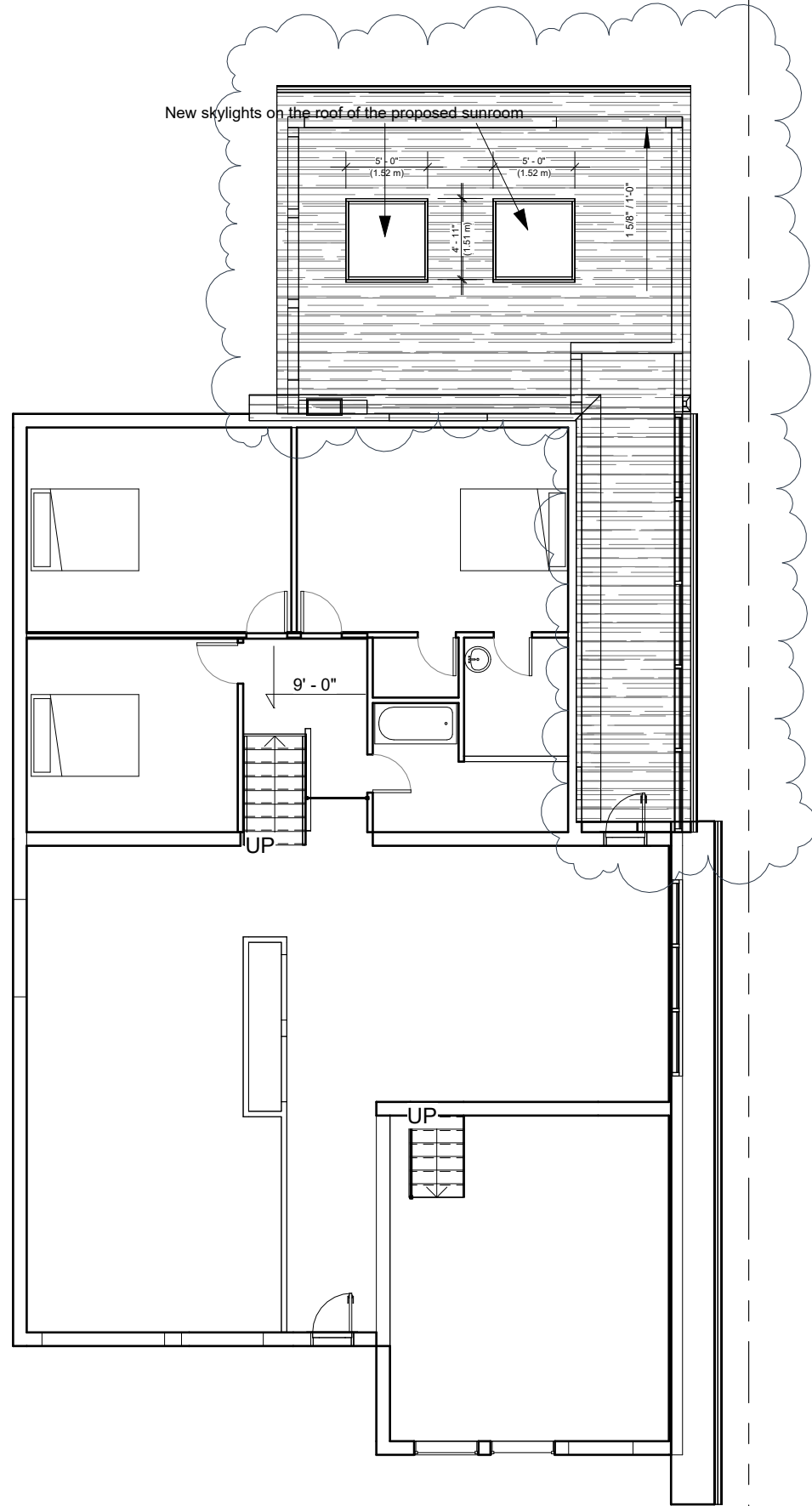
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 Markham, ON



Eden Engineering & Design Inc.
 Consulting Engineers

34 Pheasant Valley Ct.
 Markham, ON L3T2H1
 Tel : 416-876-0957
 Fax : 905-248-3595
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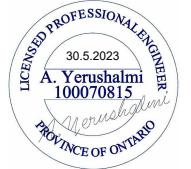
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① Second floor
1" = 10'-0"

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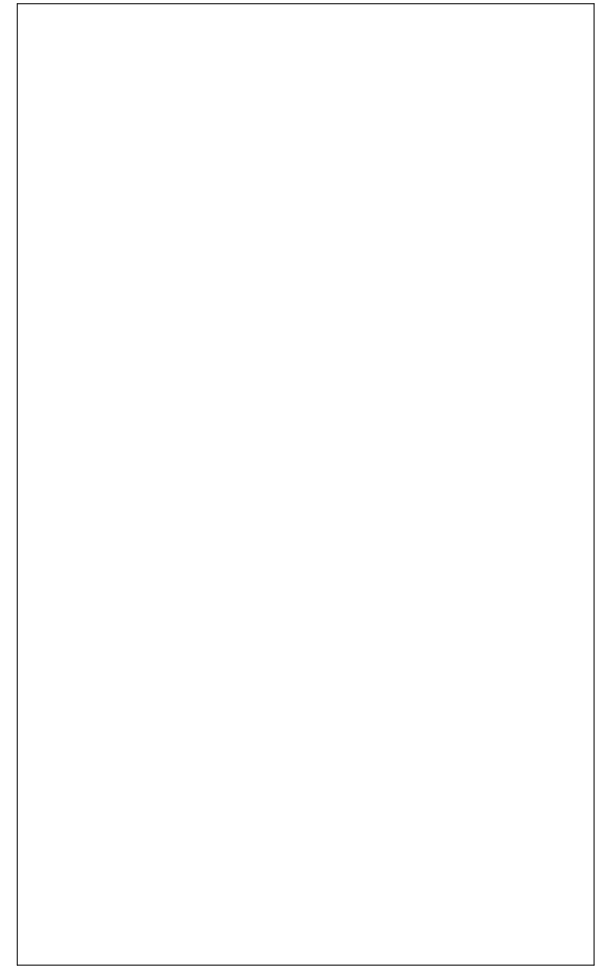
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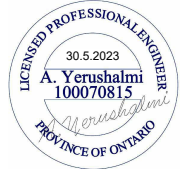
No changes in this elevation

① South
3/16" = 1'-0"



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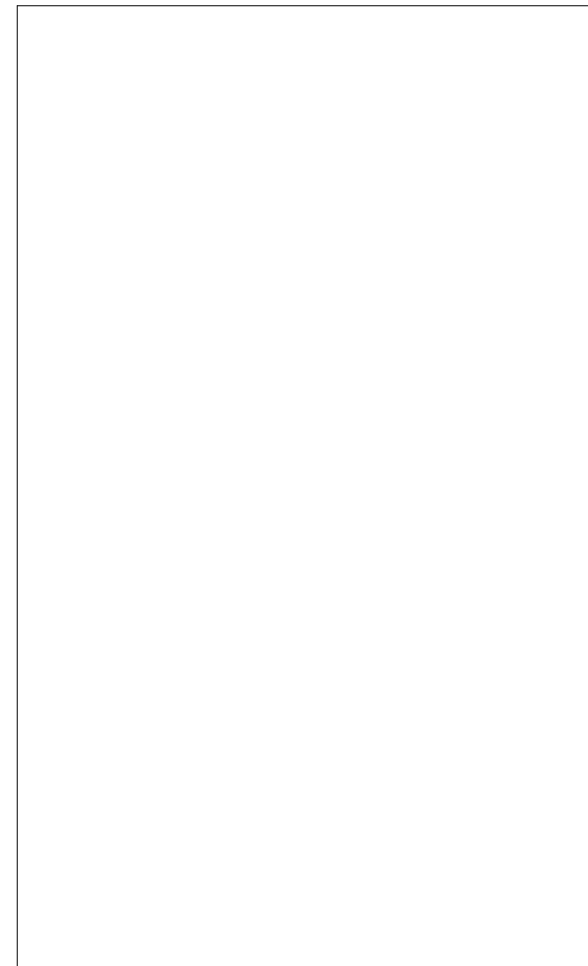
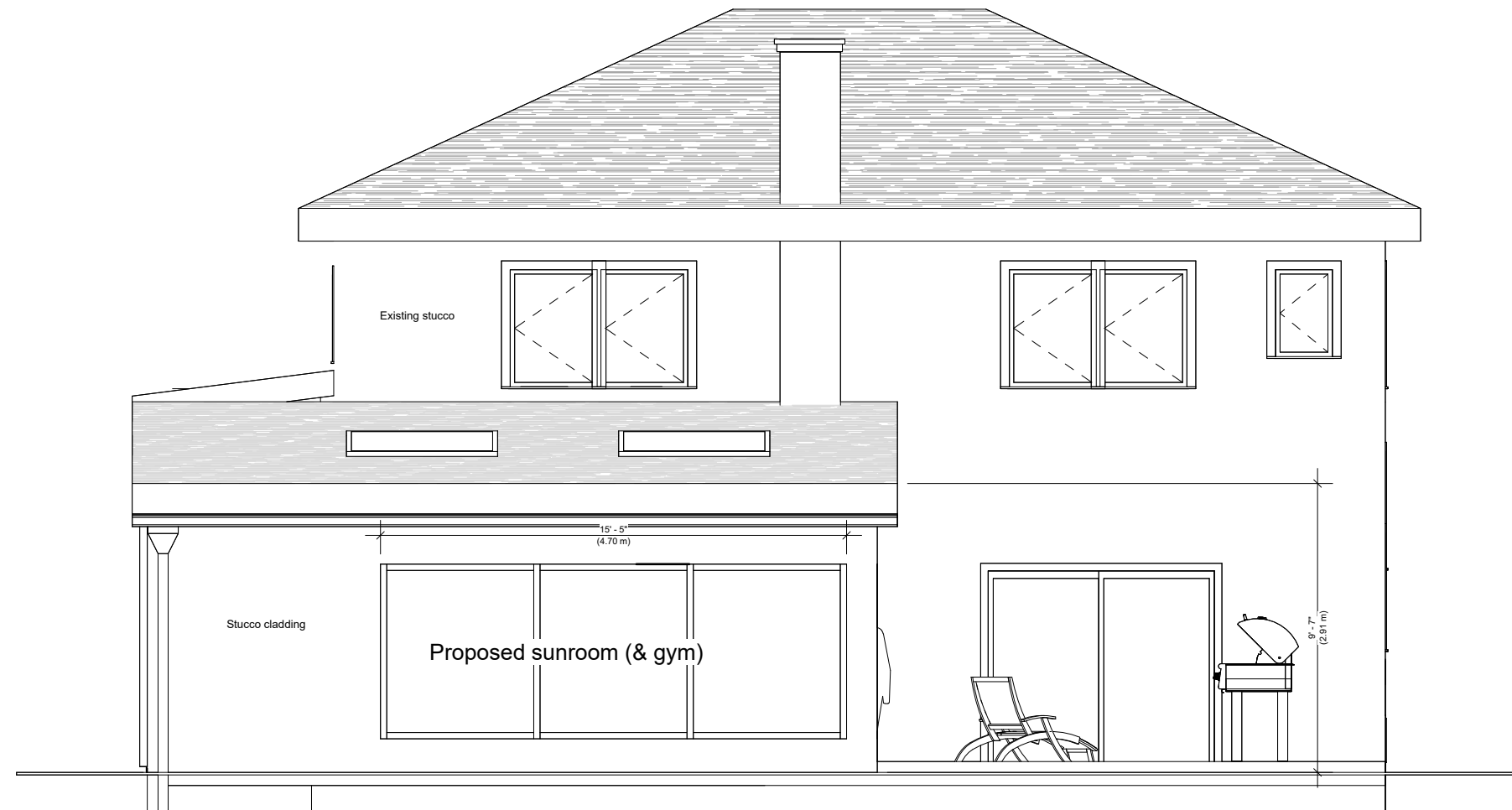
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Markham, ON L3T2H1
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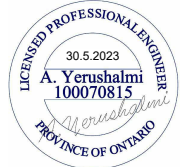
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① North
3/16" = 1'-0"

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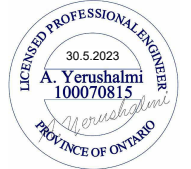
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① East
1/8" = 1'-0"

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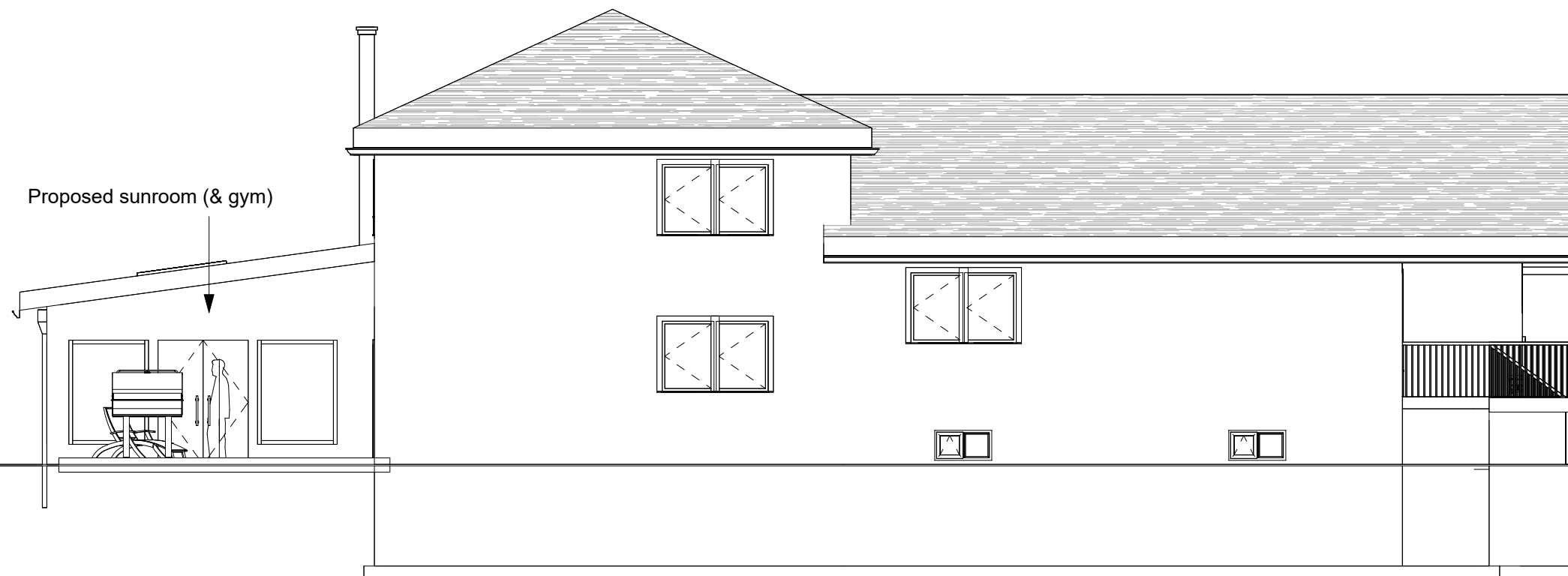


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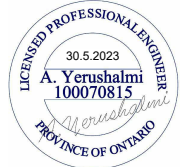
Proposed sunroom (& gym)



① West
1/8" = 1'-0"

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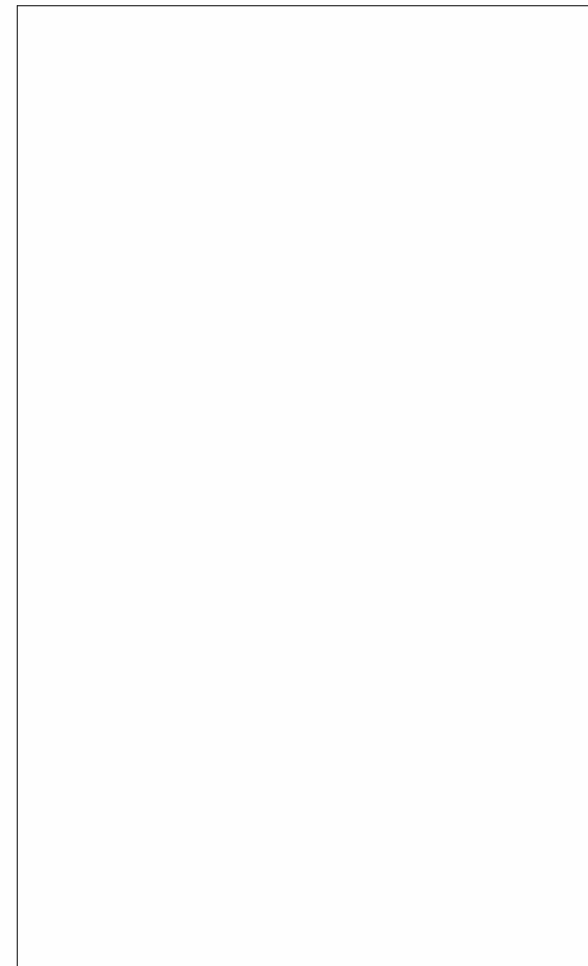
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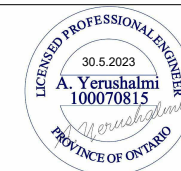
Proposed sunroom (& gym)

① 3D1



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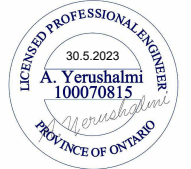
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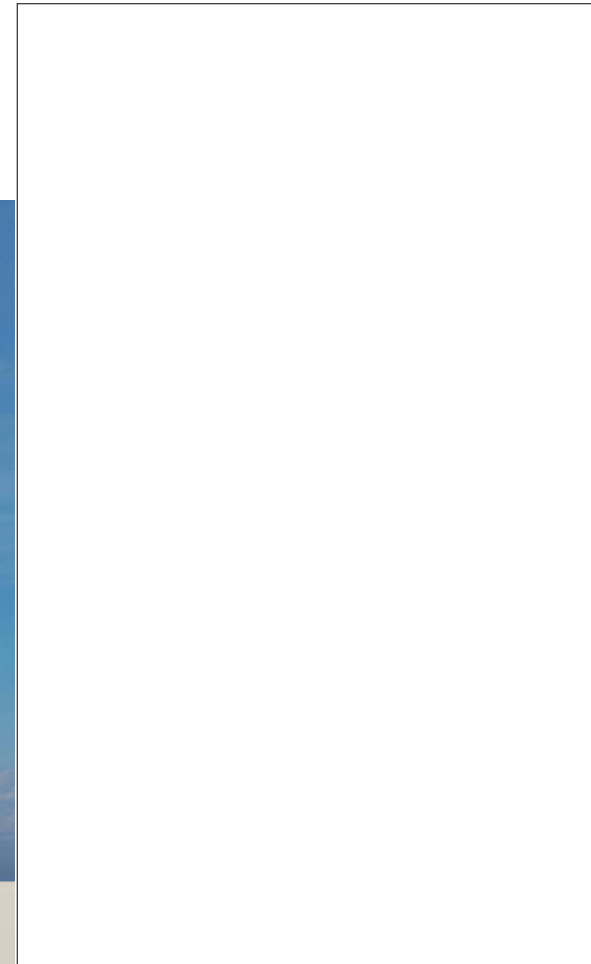
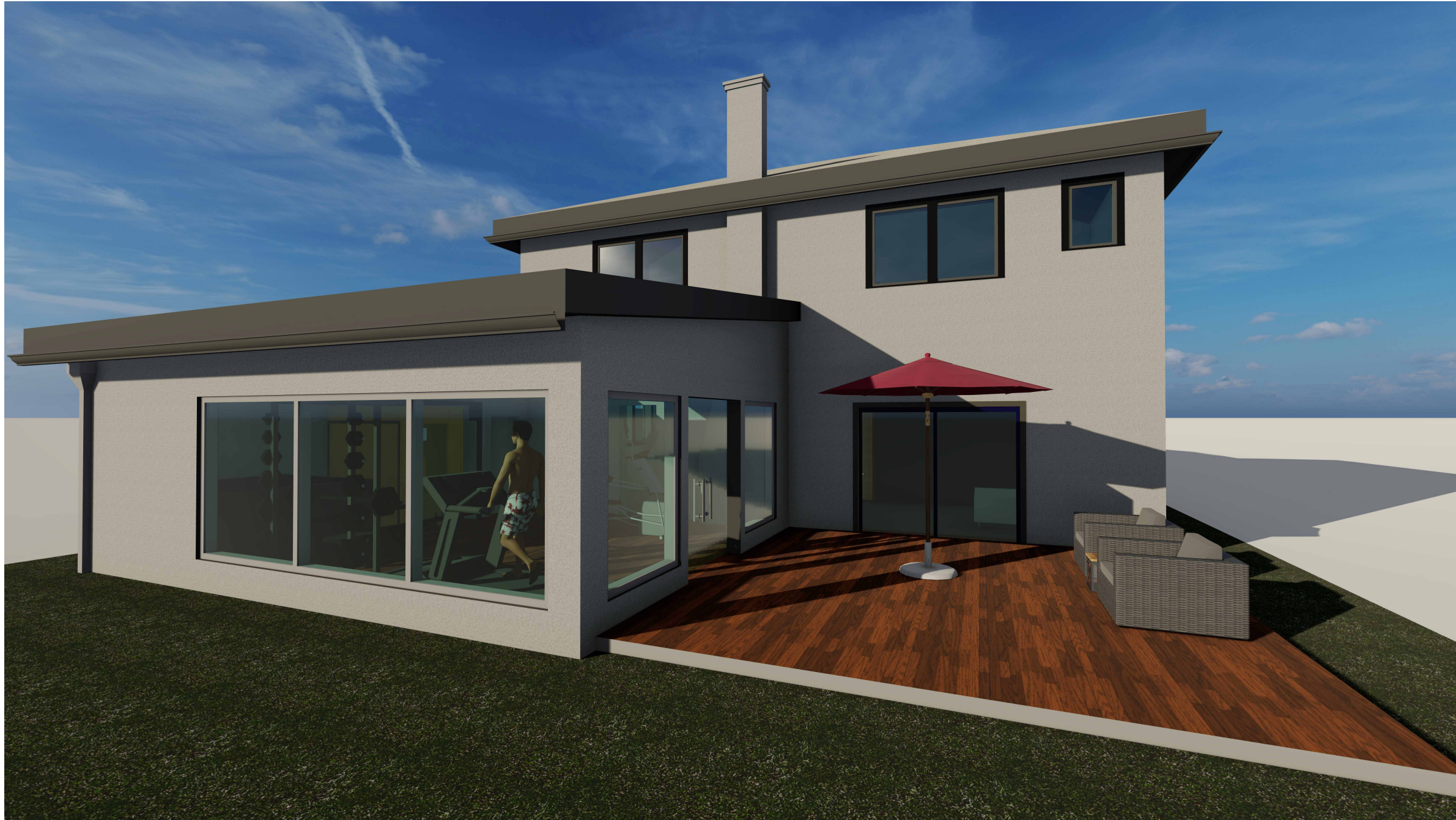


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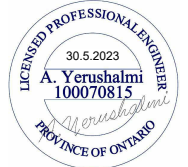
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① 3D2



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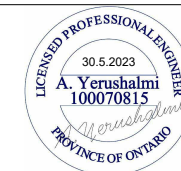
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Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled

34 Pheasant Valley Ct.
Markham, ON

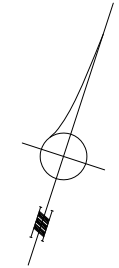
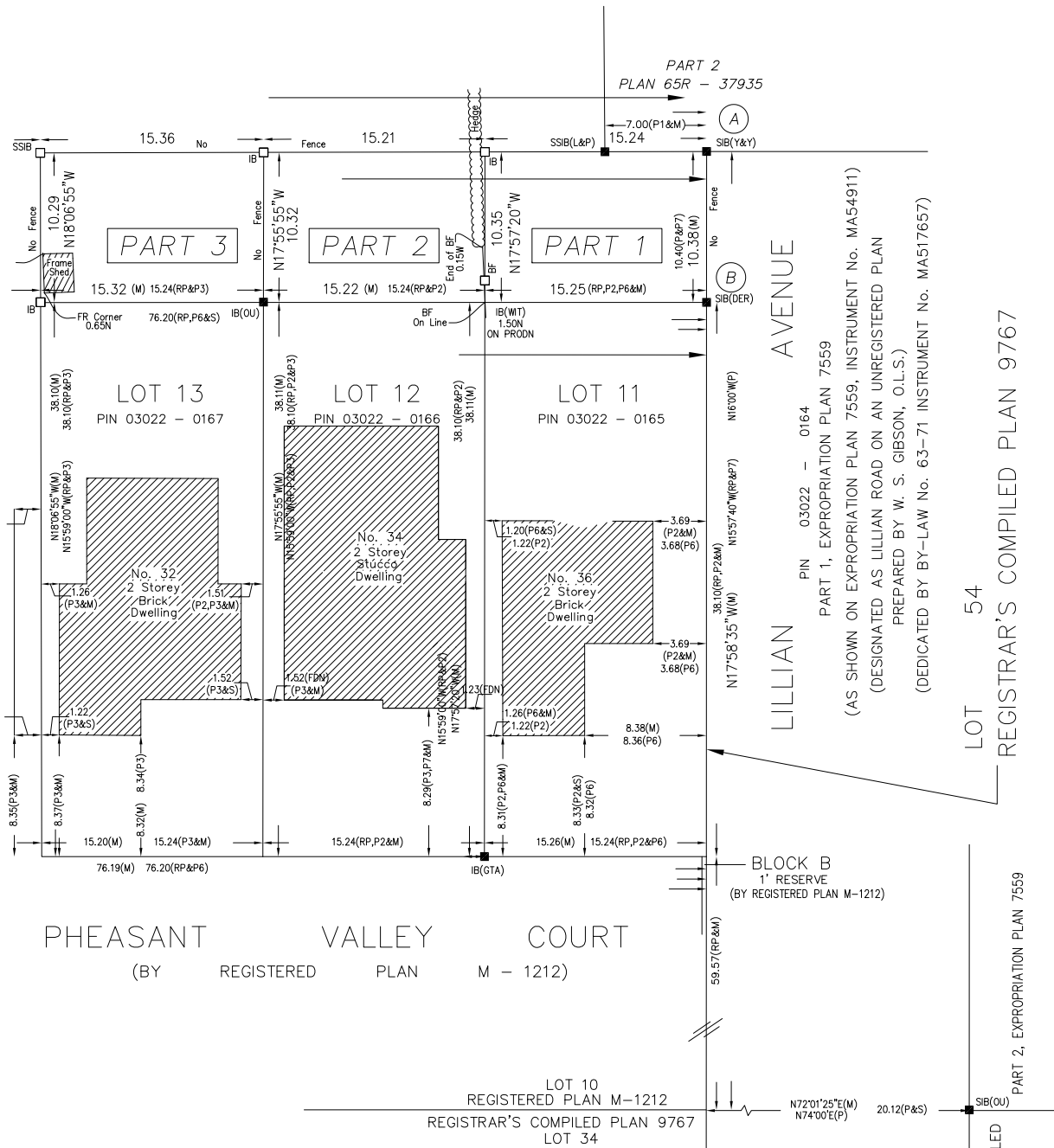


 **Eden Engineering & Design Inc.**
Consulting Engineers

34 Pheasant Valley Ct.
Markham, ON L3T2H1
Tel : 416-876-0957
Fax : 905-248-3595
E-mail : info@edenengineering.ca

Drawn By	
Checked By	AY
Project issue date	30.5.2023

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



PLAN OF SURVEY OF
 LOT 55
 REGISTRAR'S COMPILED PLAN 9767
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:300

0 5 10 15 30 Metres
 PEARSON & PEARSON SURVEYING LTD. 2020
 Ontario Land Surveyors

Bearing Note
 BEARINGS SHOWN HEREON ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A, B, C & D BY REAL TIME NETWORK OBSERVATIONS, UTM Zone 17, NAD 83 (CSRS V6) (Epoch 2010.00) DISTANCES SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE USED TO COMPUTE GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9997792. BEARINGS FOR RP, P2, P3, P4, P5, P6 AND P7 SHOWN ON THE PLAN ARE ASTRONOMIC AND CAN BE CONVERTED TO UTM GRID BEARINGS BY APPLYING A ROTATION OF 00°01'35" COUNTER-CLOCKWISE.

Integration Data
 OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING THE SMARTNET NETWORK SERVICE AND ARE REFERRED TO UTM Zone 17, NAD 83 (CSRS V6) (Epoch 2010.00) COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Legend

- | | | | | | |
|---------|---------|--|-----|---------|--|
| ■ | DENOTES | SURVEY MONUMENT FOUND | | | |
| □ | DENOTES | SURVEY MONUMENT SET | | | |
| SIB | DENOTES | STANDARD IRON BAR | P5 | DENOTES | BUILDING LOCATION SURVEY BY PAUL JAYSON, O.L.S., DATED OCTOBER 18, 1983. |
| SSIB | DENOTES | SHORT STANDARD IRON BAR (PLANTED DUE TO EXISTENCE OF BELOW GRADE SERVICES OR TREE ROOTS) | P6 | DENOTES | SURVEYOR'S REAL PROPERTY REPORT BY GREATER TORONTO ACRES SURVEYING INC., O.L.S., DATED SEPTEMBER 29, 2010. |
| IB | DENOTES | IRON BAR | P7 | DENOTES | PLAN OF SURVEY BY DONALD E. ROBERTS LTD., O.L.S., DATED DECEMBER 29, 2004. |
| IP | DENOTES | IRON PIPE | D | DENOTES | INSTRUMENT No. MA50496 (THIRDLY) |
| WIT | DENOTES | WITNESS | PJ | DENOTES | PAUL JAYSON, O.L.S. |
| OU | DENOTES | ORIGIN UNKNOWN | L&P | DENOTES | LLOYD & PURCELL LTD., O.L.S. |
| PRODN | DENOTES | PRODUCTION | Y&Y | DENOTES | YATES & YATES LTD., O.L.S. |
| S | DENOTES | SET | DER | DENOTES | DONALD E. ROBERTS LTD., O.L.S. |
| M | DENOTES | MEASURED | GTA | DENOTES | GREATER TORONTO ACRES SURVEYING INC., O.L.S. |
| N/S/E/W | DENOTES | NORTH/SOUTH/EAST/WEST | FDN | DENOTES | TIES TO CONCRETE FOUNDATION |
| RP | DENOTES | REGISTERED PLAN M-1212 | STU | DENOTES | TIES TO STUCCO |
| P | DENOTES | EXPROPRIATION PLAN 7559 (INSTRUMENT No. MA54911) | ST | DENOTES | TIES TO STONE |
| P1 | DENOTES | PLAN 65R-37935 | WF | DENOTES | WIRE FENCE |
| P2 | DENOTES | PLAN OF SURVEY BY PAUL JAYSON, O.L.S., (LOTS 11 AND 12) | BF | DENOTES | BOARD FENCE |
| P3 | DENOTES | PLAN OF SURVEY BY PAUL JAYSON, O.L.S., DATED JULY 4, 1969 (LOTS 13 TO 15) | CLF | DENOTES | CHAIN LINK FENCE |
| P4 | DENOTES | PLAN OF SURVEY BY PAUL JAYSON, O.L.S., DATED JULY 4, 1969 (LOTS 16 TO 18) | | | |
- ALL BUILDING TIES ARE TAKEN FROM BRICK FACE UNLESS OTHERWISE NOTED.

Sept. 5, 2023
 Date

Michele Pearson
 Michele Pearson
 Ontario Land Surveyor

10933 JANE STREET, SECOND FLOOR, MAPLE ONTARIO, L6A 1S1
 O. : (416) 907-7327
 E. : michelpearson@pearsonandpearson.ca

PEARSON+ PEARSON+
 SURVEYING LTD.

DRAWING : 34 Pheasant Valley Ct.DWG PROJECT : 1833
 CALC. BY JM DRAWN BY TM/JM CHECKED BY MP/JM

APPENDIX “C” – A/150/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/150/23

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.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office