

# Memorandum to the City of Markham Committee of Adjustment

January 31, 2020

**File:** A/107/19  
**Address:** 147 Fitzgerald Ave  
**Applicant:** In Roads Consultants  
**Agent:** (none)  
**Hearing Date:** Wednesday February 19, 2020

The following comments are provided on behalf of the Central Team. The Applicant requests relief from the following requirements of By-law 11-72, 'Residential' (R4), as amended, as they relate to a proposed residential dwelling:

- a) **Section 6, Schedule B:**  
To permit a maximum lot coverage of 37.18%, whereas the By-law permits a maximum lot coverage of 33.3%;
- b) **Section 6, Schedule B:**  
To permit a maximum height of 8.085 m (26.53 ft), whereas the By-law permits a maximum height of 7.62 m (25 ft);

The requested variance relate to a proposed two-storey detached dwelling on the subject property.

## **COMMENTS**

The Committee of Adjustment deferred this Application on November 13, 2019, due to the ceiling and basement height concerns, which resulted in an issue with the proposed height and compatibility with the surrounding neighbourhood. The Applicant submitted a zoning preliminary review on January 9, 2020, which confirmed the required variances. In response to Committee's comments, the Applicant submitted revised drawings on January 22, 2020 (Appendix "A"), which removed the original request for reduced side yards setbacks.

### **Increase in Maximum Lot Coverage and Building Height**

The Applicant originally requested a maximum lot coverage of 33.6%. With the revised drawings, the Applicant proposes to increase the maximum lot coverage to 37.18%, whereas the By-law permits a maximum lot coverage of 33.3% (a difference of approximately 3.88%).

The Applicant originally requested a maximum building height of 8.79 m (28.84 ft). With the revised drawings, the Applicant increased the proposed building height by approximately 1.13 m (3.84 ft) and now proposes a maximum height of 8.085 m (26.53 ft), whereas the By-law permits a maximum height of 7.62 m (25 ft) a difference of approximately 0.465 m (1.53 ft).

While the proposed dwelling will be larger than the existing detached dwelling constructed in the 1970s, it maintains the required setbacks and is generally consistent with recent infill development throughout the neighbourhood. Staff are of the opinion that the increase in maximum lot coverage and building height to facilitate the proposed

residential dwelling is an appropriate development. Staff's comments dated November 13, 2019, remain applicable.

**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. While the Applicant revised the proposal, Staff have are of the opinion that the variances requested meet the four tests of the *Planning Act*. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Justin Mott, Planner, Zoning and Special Projects

REVIEWED BY:



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Stephen Lue, Development Manager, Central District

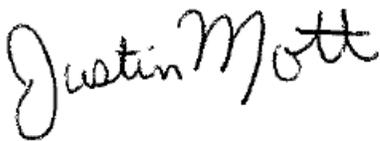
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**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/107/19**

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 A' to this Staff Report and received by the City of Markham on January 22, 2020, 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. That the Applicant implement and maintain all of the works required in accordance with the conditions of this variance;
4. 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 Director of Operations 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;
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
6. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:

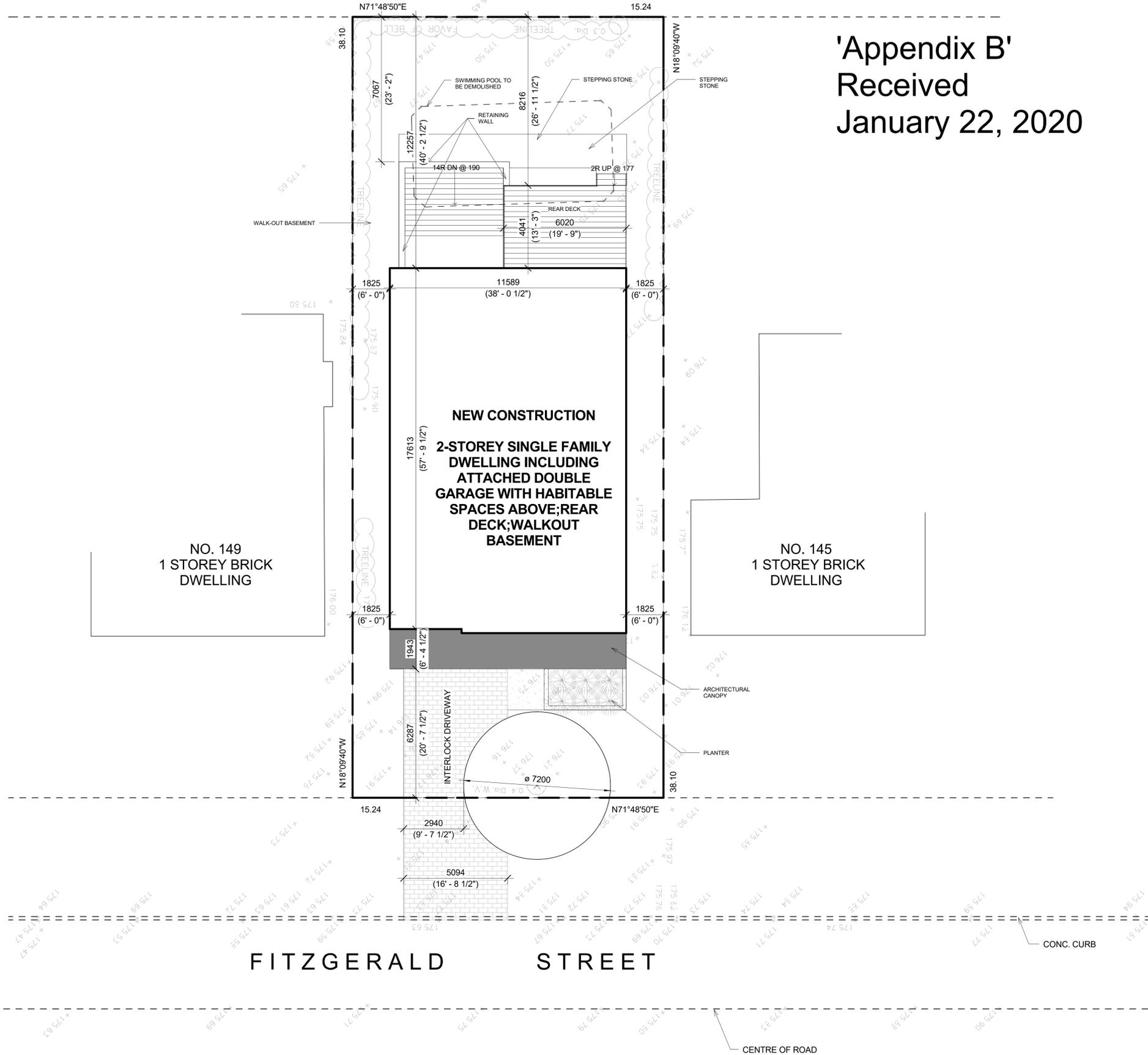


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Justin Mott, Planner, Zoning and Special Projects

SITE STATISTICS	BY-LAW # 11-72	MINOR VARIANCE
LOT AREA	580.64 SQ.M. (6290 SQFT)	
LOT FRONTAGE	15.24 M	
BUILDING FOOTPRINT WITH GARAGE	205.04 SQ.M. (2207.04 SQFT)	
LOT COVERAGE	PERMITTED 33.3% PROPOSED 37.18%	✓
GFA	PERMITTED N/A PROPOSED 371.73 SQ.M. (4,001.24 SQFT)	
BUILDING HEIGHT	PERMITTED 7.62 M (MAX.) PROPOSED 8.085 M	✓
SETBACKS: FRONT (NORTH)	PERMITTED 6.00 M (MIN.) PROPOSED 6.287 M	
SETBACKS: SIDE (WEST)	PERMITTED 1.80 M (MIN.) PROPOSED 1.80 M	
SETBACKS: SIDE (EAST)	PERMITTED 1.80 M (MIN.) PROPOSED 1.80 M	
SETBACKS: REAR (SOUTH)	PERMITTED 7.62 M (MIN.) PROPOSED 12.26 M	

PROJECT INFORMATION	
BASEMENT FOOTPRINT	156.17 SQ.M. (1680.99 SQFT)
GROUND FLOOR FOOTPRINT	204.12 SQ.M. (2197.16 SQFT)
SECOND FLOOR FOOTPRINT	204.64 SQ.M. (2202.77 SQFT)
BASEMENT CEILING HEIGHT	2.718M (8'-11")
GROUND FLOOR CEILING HEIGHT	3.658M (12')
SECOND FLOOR CEILING HEIGHT	3.068M (10'-2")



'Appendix B'  
Received  
January 22, 2020

1. ALL DIMENSIONS AND QUANTITIES OF MATERIALS ARE THE RESPONSIBILITY OF THE CONTRACTOR. AN ACCEPTABLE LEVEL OF FINISH MUST BE ACHIEVED AND APPROVED BY OWNER.
2. ALL TRADES TO VERIFY DIMENSIONS AND DATA HEREIN WITH EXISTING ON SITE.
3. REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER OR DESIGN ENGINEER AS APPLICABLE.
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7. DO NOT SCALE DRAWINGS.

REVISION RECORD		
No.	Description	Date
1	ISSUED FOR COA	2019-11-22

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1100 Gordon Baker Road,  
Toronto, Ontario, M2H 3B3  
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E info@zsquareconsulting.com  
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147 Fitzgerald Ave, Unionville,  
ON L3R 1R5  
for Impressions Group

19046 As indicated RL MDZ  
PROJECT SCALE DRAWN REVIEWED

SITE PLAN

A1.0

1 SITE PLAN  
A1.0 1:100

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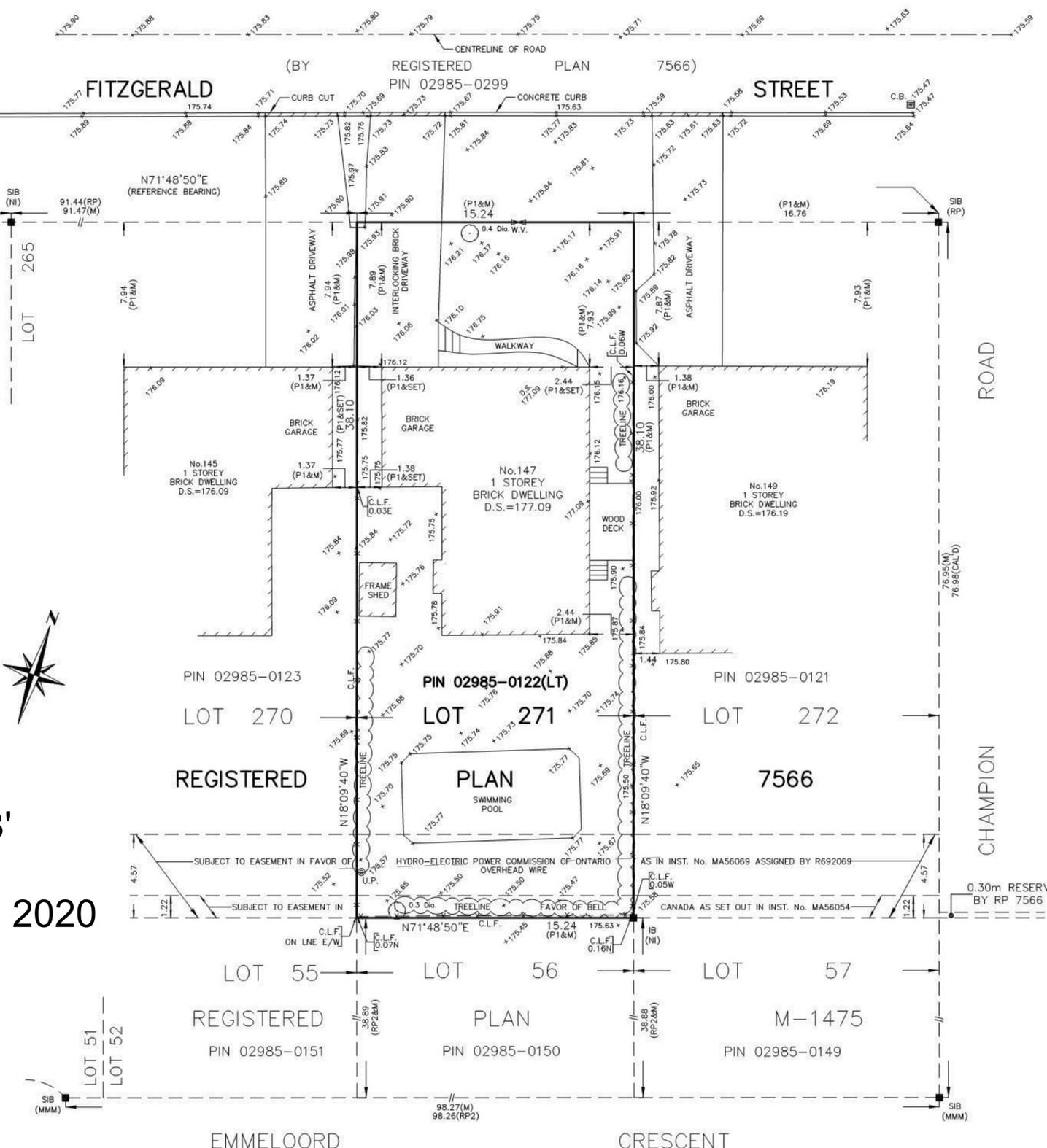
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ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2092104



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



**SURVEYOR'S REAL PROPERTY REPORT**  
**PART 1 - PLAN OF**  
**LOT 271**  
**REGISTERED PLAN 7566**  
**CITY OF MARKHAM**  
**REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200  
10m 5 0 10 METRES  
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
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - P1 DENOTES PLAN OF SURVEY BY N. W. MOYLES, O.L.S.  
DATE SEPTEMBER 01, 1967
  - RP DENOTES REGISTERED PLAN 7566
  - RP2 DENOTES REGISTERED PLAN M-1475
  - CAL'D DENOTES CALCULATED FROM RP AND RP2
  - WIT DENOTES WITNESS
  - PIN DENOTES PROPERTY IDENTIFIER NUMBER
  - M DENOTES MEASURED
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
  - C.L.F. DENOTES CHAIN LINK FENCE
  - MMM DENOTES MARSHLL MACKLIN MONAGHAN, O.L.S.
  - NI DENOTES NOT IDENTIFIABLE
  - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
  - U.P. DENOTES UTILITY POLE
  - W.V. DENOTES WATER VALVE
  - C.B. DENOTES CATCH BASIN
  - 🌲 DENOTES CONIFEROUS TREE
  - 🌳 DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.  
BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO  
THE SOUTHERLY OF FITZGERALD AVENUE AS SHOWN ON REGISTERED  
PLAN 7566 HAVING A BEARING OF N71° 48' 50"E.

**BENCHMARK NOTE**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY  
OF MARKHAM BENCHMARK No.092903318 HAVING AN ELEVATION OF 1175.61 M.  
BRASS CAP LOCATED IN CONCRETE SIDEWALK, 26 M SOUTH OF CENTRELINE OF  
FITZGERALD AVENUE AND 4.5 M WEST OF CENTRELINE OF FRED VARLEY DRIVE.

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

**PART 2 (SURVEY REPORT)**

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO EASEMENT  
IN FAVOR OF BELL CANADA AS SET OUT IN INST. No. MA56054;  
SUBJECT TO EASEMENT IN FAVOR OF HYDRO-ELECTRIC POWER COMMISSION  
OF ONTARIO AS IN INST. No. MA56069 ASSIGNED BY R692069.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE  
SOUTHERLY, EASTERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE  
REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 22nd DAY OF AUGUST, 2019

AUGUST 28, 2019  
DATE

Z. ZENG  
ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM  
2400 MIDLAND AVE., #121 PHONE: (647)430-1366 FAX: (647)799-4068  
SCARBOROUGH, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 19-236SRPR JOB No: 2019-236

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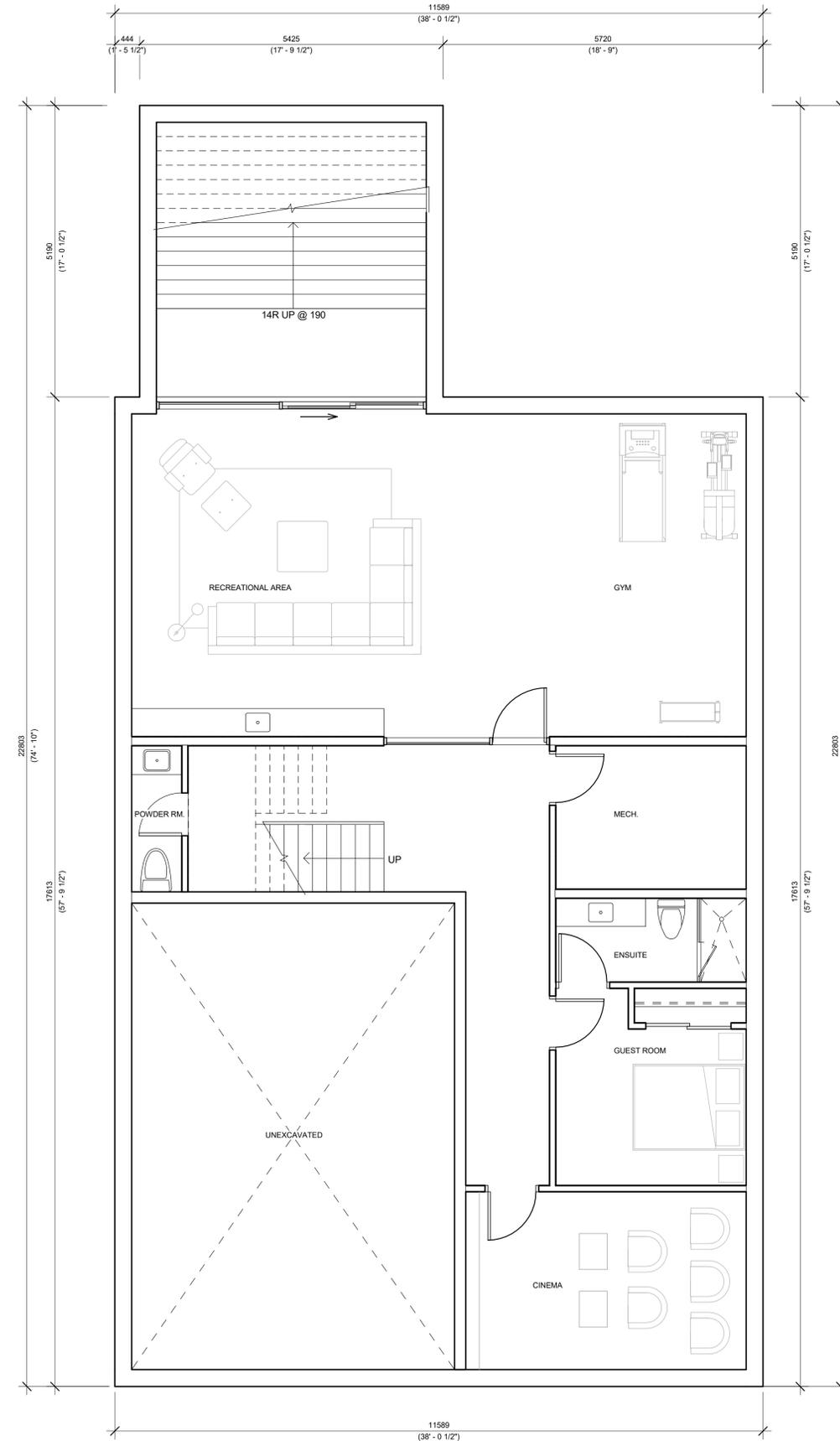
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SURVEY

A1.1

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'Appendix B'  
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1 BASEMENT PLAN  
 A2.0 1:50

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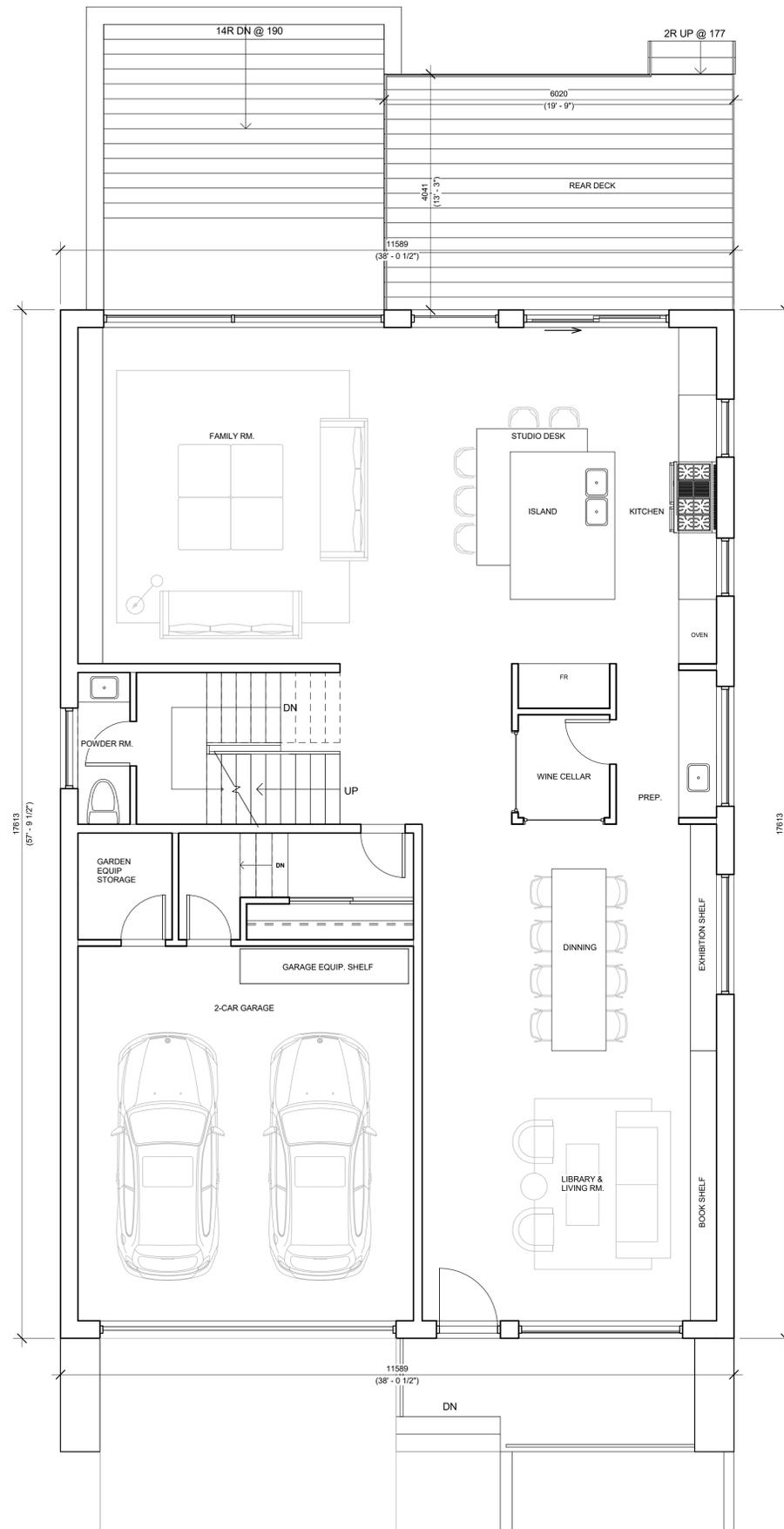
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BASEMENT PLAN

A2.0

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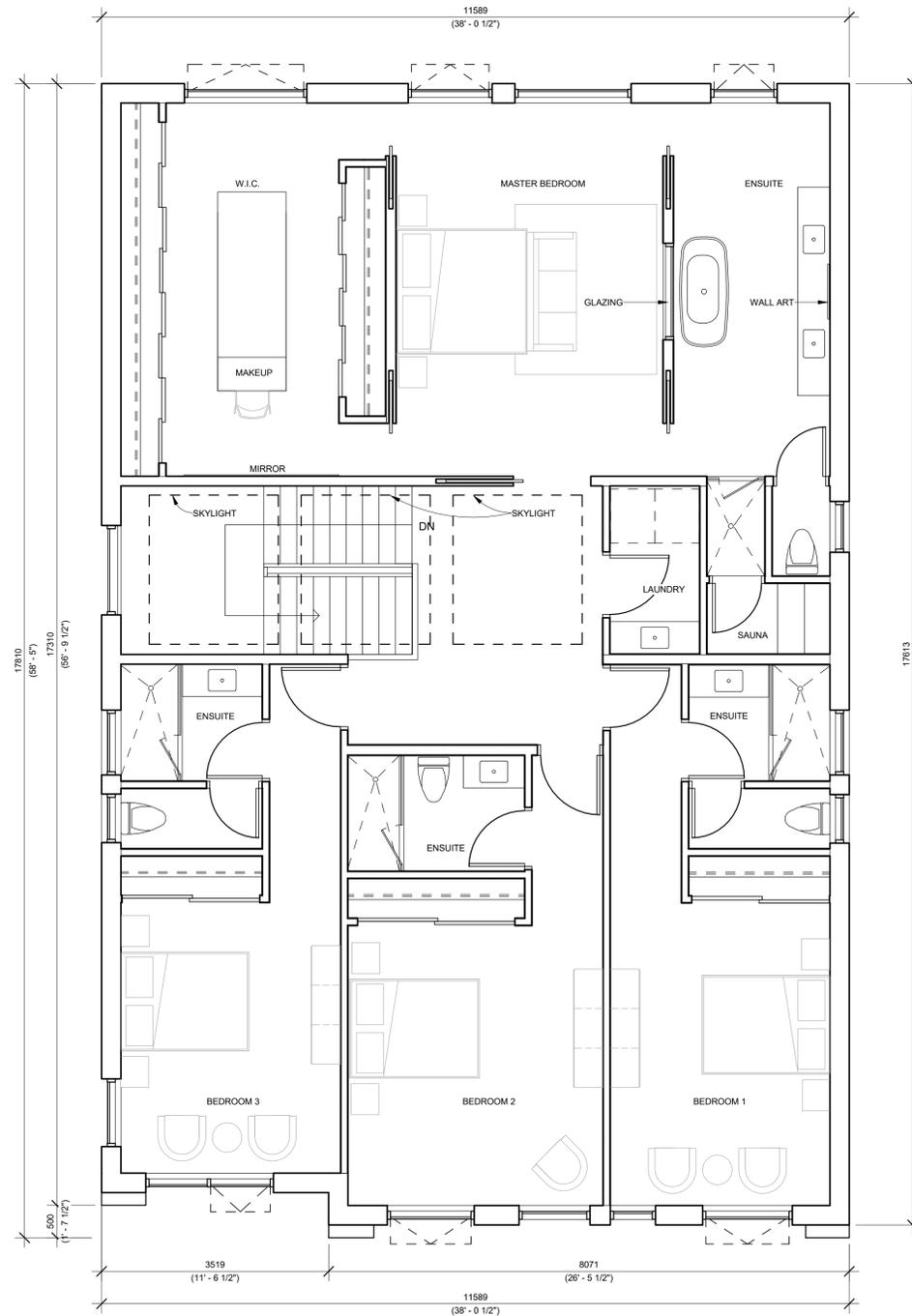
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GROUND FLOOR PLAN  
**A2.1**

1 GROUND FLOOR PLAN  
A2.1 1:50

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TRUE NORTH

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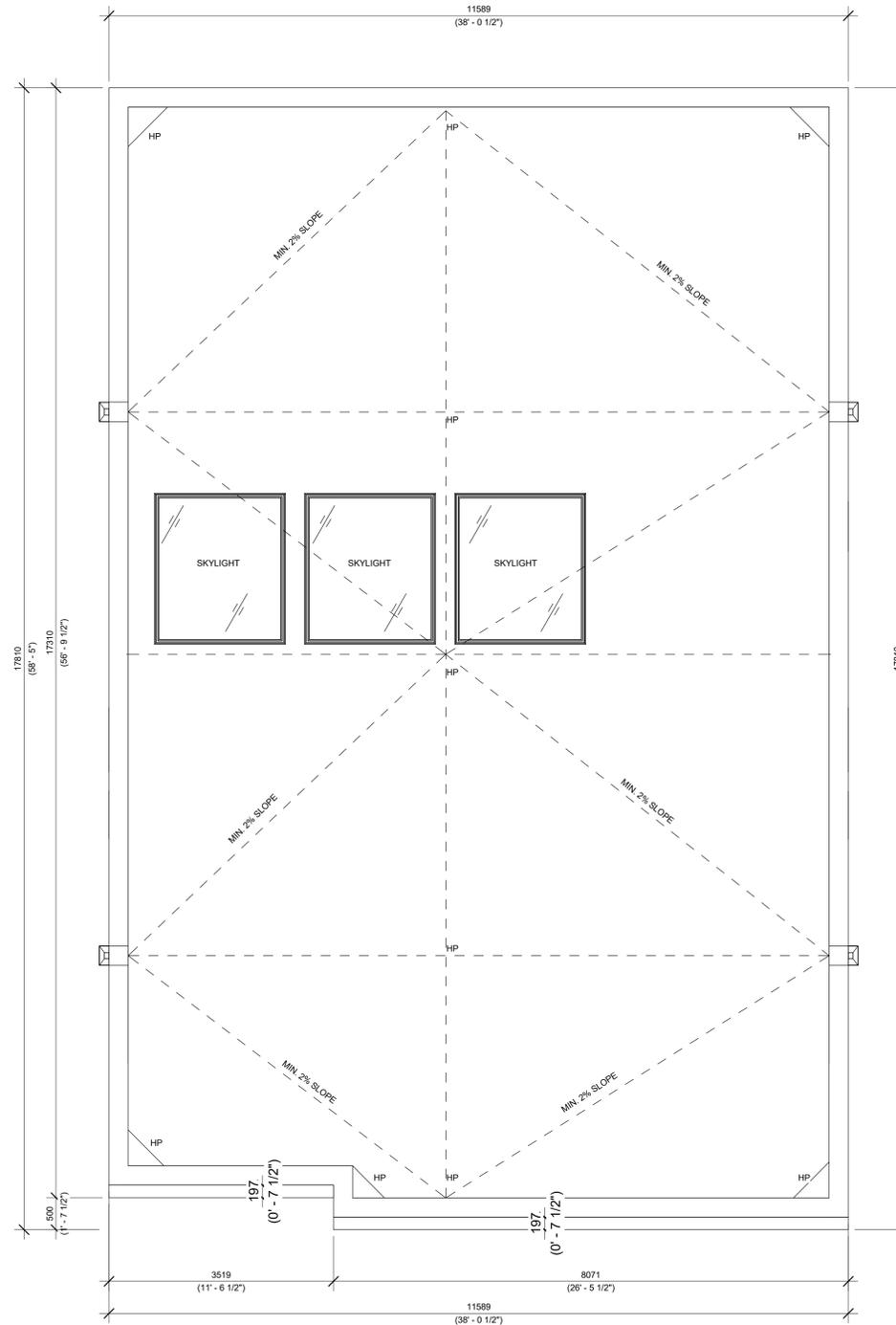
SECOND FLOOR PLAN

A2.2

1 SECOND FLOOR PLAN  
 A2.2 1:50

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ROOF PLAN

**A2.3**

1 ROOF PLAN  
 A2.3 1:50

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1 NORTH ELEVATION (FRONT)  
 A3.1 1:50

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NORTH ELEVATION (FRONT)

A3.1

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1 SOUTH ELEVATION (REAR)  
 A3.2 1:50

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 E info@zsquareconsulting.com  
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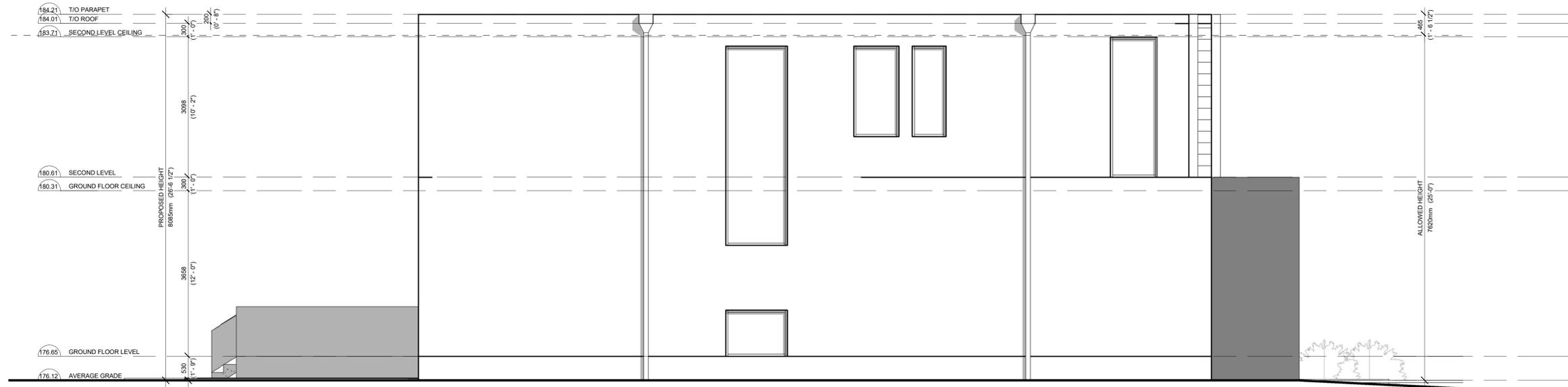
2 STOREYS DETACHED SINGLE  
 FAMILY DWELLING  
 147 Fitzgerald Ave, Unionville,  
 ON L3R 1R5  
 for  
 Impressions Group

19046 1:50 MDZ MDZ  
 PROJECT SCALE DRAWN REVIEWED

SOUTH ELEVATION (REAR)  
**A3.2**

Note: This drawing is the property of the Architect and may not be reproduced or used without the expressed consent of the Architect. The Contractor is responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing work.

'Appendix B'  
 Received  
 January 22, 2020



1 EAST ELEVATION  
 A3.3 1:50

1. ALL DIMENSIONS AND QUANTITIES OF MATERIALS ARE THE RESPONSIBILITY OF THE CONTRACTOR. AN ACCEPTABLE LEVEL OF FINISH MUST BE ACHIEVED AND APPROVED BY OWNER.
2. ALL TRADES TO VERIFY DIMENSIONS AND DATA HEREIN WITH EXISTING ON SITE.
3. REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER OR DESIGN ENGINEER AS APPLICABLE.
4. GENERAL CONTRACTOR TO PROVIDE ALL BLOCKING REQUIRED IN WALLS TO ACCOMMODATE INSTALLATION OF MILLWORK, ARTWORK, FURNITURE, WASHROOM ACCESSORIES, AND EQUIPMENT.
5. MOULD RESISTANT GYPSUM BOARD IN LIEU OF GYPSUM BOARD INDICATED ON WALL SURFACES WITHIN WASHROOMS & MUDROOMS.
6. TILE BACKER BOARD TO BE USED IN LIEU OF GYPSUM BOARD INDICATED ON WALL TYPES TO EXTENT OF WALLS WHERE CERAMIC WALL TILES ARE INDICATED TO BE INSTALLED.
7. DO NOT SCALE DRAWINGS.

REVISION RECORD		
No.	Description	Date
1	ISSUED FOR COA	2019-11-22

**Z Square Consulting Inc.**  
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 FAMILY DWELLING  
 147 Fitzgerald Ave, Unionville,  
 ON L3R 1R5  
 for  
 Impressions Group

19046 1:50 MDZ MDZ  
 PROJECT SCALE DRAWN REVIEWED

EAST ELEVATION  
**A3.3**

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 January 22, 2020

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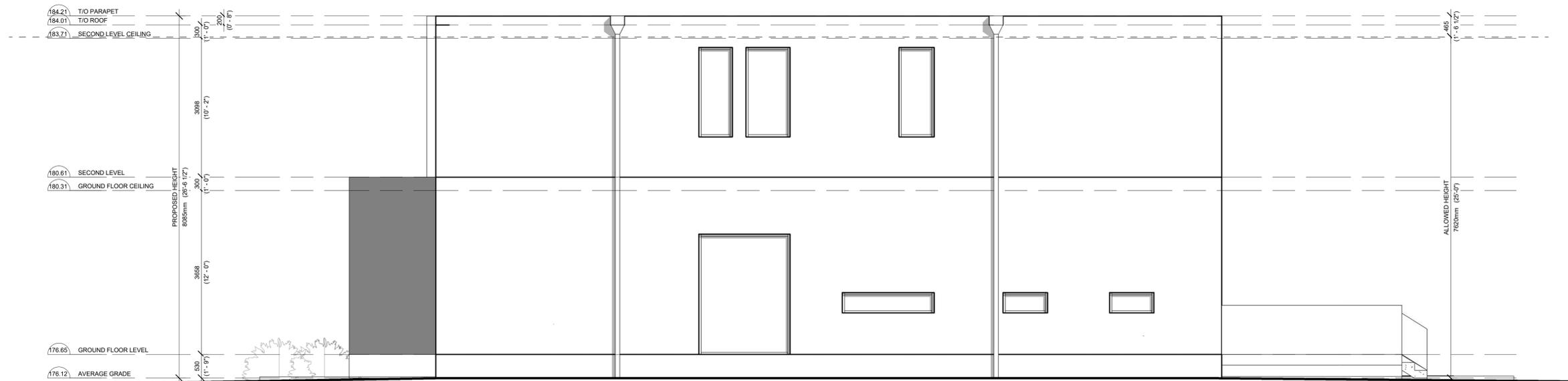
19046 1:50 MDZ MDZ  
 PROJECT SCALE DRAWN REVIEWED

WEST ELEVATION

A3.4

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2019-01-21 12:03:58 PM



1 WEST ELEVATION  
 A3.4 1:50