

Memorandum to the City of Markham Committee of Adjustment

April 23, 2024

File: B/038/23
Address: 208 Church Street, Markham
Applicant: Gagnon Walker Domes Ltd.
Hearing Date: Wednesday, May 15, 2024

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

The purpose of the following Consent and Minor Variance Applications is to sever and convey the subject property at 208 Church Street into two residential lots, to facilitate the construction of a proposed single-detached dwelling fronting onto Church Street in the future.

Consent Application B/038/23

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, cP.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) **Sever and convey** a parcel of land with an approximate lot frontage of 17.06 metres and an approximate lot area of 961.51 square metres (Part 2); and
- b) **Retain** parcel of land with an approximate lot frontage of 36.65 metres and an approximate lot area of 2,343.98 square metres (Part 1).

A/190/23 - Church Street – Retained Lot

The Applicant is requesting relief from the requirements of By-Law 1229, as amended, as it relates to an existing residential dwelling on the retained lot, to permit:

- a) Amending By-law 99-90, Section Table C: a floor area ratio of 55 percent, whereas the by-law permits a maximum floor area ratio of 45 percent

A/191/23 – Church Street – Severed Lot

The Applicant is requesting relief from the requirements of By-Law 1229, as amended, as it relates to the creation of a new residential lot for future development, to permit:

- a) By-law 1229, Section Table 11.1: a minimum lot frontage of 56 feet (17.06 metres), whereas the by-law requires a minimum lot frontage of 60 feet (18.28 metres)

BACKGROUND

The application was deferred by the Committee of Adjustment (the “Committee”) at the April 3, 2024 hearing, for the applicant to address the Committee’s concern over a proposed Floor Area Ratio variance request for the severed lot due to the unknown nature of the proposed development without having submitted detailed plans for this new home (Refer to Minutes – Appendix “E”).

COMMENTS

In response to the Committee's comments, the applicant revised the Minor Variance Applications and submitted updated drawings on April 18, 2024. The revisions to the Minor Variance Applications include;

1. A/190/23 – Retained lot – The removal of the request for a minimum driveway setback of 0 feet for the retained lands.
2. A/191/23 – Severed lot – The removal of the request for a Floor Area Ratio of 49%.

Staff remain of the opinion that the proposed severance is appropriate and consistent with the lot pattern of the neighborhood, and that the revised Minor Variance Applications maintain the general intent and purpose of the Zoning By-law.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) and Section 51 (24) of the Planning Act and are of the opinion that the severance request is appropriate, and that the variance requests meet 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDICES

- Appendix "A" – B/038/23 Conditions of Approval
- Appendix "B" – A/190/23 Conditions of Approval
- Appendix "C" – A/191/23 Conditions of Approval
- Appendix "D" – Staff Report Dated January 18, 2024
- Appendix "E" – Minutes Extract
- Appendix "F" – Drawings

APPENDIX “A”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/038/23

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/038/23 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted in Appendix “H”
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. That the Owner confirm that:
 - a. No existing easements registered on title that will be impacted by the proposed severance
 - b. Any and all existing services for the Retained Lot do not traverse the Severed Lot, or interconnected to the servicing of the Severed Lot
6. The Owner shall provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot, to the satisfaction of the Director of Engineering;
7. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit
8. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process
9. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff.
10. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates,


which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:

- a. The removal of existing hedges along the Church Street Frontage
 - b. Payment of all applicable fees in accordance with the City's fee by-law;
 - c. Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - d. Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - e. Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
 - f. Submit site servicing, grading, utility, and erosion and sediment control plan, to the satisfaction of the Director of Engineering;
 - g. Construct the required servicing, grading, and utilities for this development to the satisfaction of the Director of Engineering;
 - h. To construct and/or implement any required excavation, removal, relocation, restoration and/or implement of any above or below ground municipal services or utilities that may be necessary for this development, to the satisfaction of the Director of Engineering;
 - i. submission of an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the city
11. That the Applicant shall submit to the Region for review and approval, a Site Servicing Plan for the new lot showing both plan and profile views of the proposed water and wastewater service connections relative to the location of the Region's watermain. The location of Regional infrastructure shall be field verified to the satisfaction of York Region. Additionally, Regional staff shall be invited to be on-site during confirmatory field work and provided with at least 2 weeks advance notice.
12. That the Applicant satisfies that water and wastewater servicing capacity is available to service this application as provided by the Regional Municipality of York in their comments to the Applicant, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate. Prior to final approval, the Region's Planning and Economic Development Branch

shall certify that the above condition(s) has/have been met to its satisfaction. York Region requests a copy of the Notice of Decision be emailed to developmentservices@york.ca if/when it becomes available.

13. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P. 13, as amended.*

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

APPENDIX "B"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/190/23

1. The variances apply only to the proposed development as long as it remains;
2. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit
3. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process
4. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

APPENDIX "C"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/191/23

1. The variances apply only to the proposed development as long as it remains;
2. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit
3. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process
4. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

Appendix D

File: 23.140728.000.00.CSNT

Date: 5/8/2024
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment

January 18, 2024

File: B/038/23, A/190/23, A/191/23
Address: 208 Church St, Markham
Applicant: Gagnon Walker Domes Ltd. (Anthony Sirianni)
Owner: Rohini Sharma
Hearing Date: Wednesday, February 7, 2024

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

The purpose of the following consent and minor variance applications is to sever and convey the subject property at 208 Church Street into two residential lots, to facilitate the construction of a proposed single-detached dwelling fronting onto Church Street in the future.

Consent Application B/038/23

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, cP.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) **Sever and convey** a parcel of land with an approximate lot frontage of 17.06 metres and an approximate lot area of 960.8 square metres (Part 2); and
- b) **Retain** a parcel of land with an approximate lot frontage of 36.65 metres and an approximate lot area of 2,345.2 square metres (Part 1)

Minor Variance Application A/190/23

The Applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to an existing residential dwelling on the retained lot, to permit:

- a) **By-law 99-90, Table C**
a Floor Area Ratio of 55%, whereas the By-law permits a maximum floor area ratio of 45%; and
- b) **By-law 28-97, Section 6.2.4.4(a)**
a driveway with a minimum setback of 0 feet, whereas the By-law requires a minimum setback of 4 feet

Minor Variance Application A/191/23

The Applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to a proposed two-storey residential dwelling on the severed lot, to permit:

- a) **Table 11.1**
a minimum lot frontage of 56 feet, whereas the By-law requires a minimum of 60 feet; and
- b) **By-law 99-90, Table C**
a Floor Area Ratio of 49%, whereas the By-law permits a maximum floor area ratio of 45%.

BACKGROUND

Property Description

The 3,312.96 m² (35,660.40 ft²) subject property is located on the north side of Church Street, east of Wootten Way North, and west of Ninth Line. The property is located within an established residential neighborhood comprised of single detached dwellings situated on lots of varying sizes and frontages.

The property is a two-storey single detached dwelling with a Gross Floor Area of 813.78 m² (8,759.47 ft²). According to assessment records, the main structure was originally built in 1959, with subsequent additions of an enclosed pool in 1977, and a second-floor addition over the main structure in 2000.

Proposal

The applicant is proposing to sever the existing residential lot at 208 Church Street into two residential lots. (Refer to Appendix "D" for Draft Reference Plan). The retained lot (Part 1) will have a lot area of 2,345.20 m² (25,243.52 ft²) and a 36.65 m (120.24 ft) frontage. The conveyed lot (Part 2) will have a lot area of 960.80 m² (10,341.97 ft²) and a 17.06 m (56 ft) frontage. Both lots remain to front on Church Street. The applicant is proposing an expansion of the existing driveway on the retained lot and the construction of a new single family detached dwelling on the conveyed parcel. (Refer to Appendix "F" for Minor Variance Plan). However, Staff note that the applicant has not provided any further detailed plans or drawings of this conceptual single-family detached dwelling on the severed lot, beyond the initial materials submitted with this application.

OFFICIAL PLAN AND ZONING

2014 Official Plan (Partially approved on November 24, 2017, and updated on April 9, 2018)

The 2014 Official Plan designates the Subject Lands "Residential Low Rise", which provides for low rise housing forms, including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for "Residential Low Rise" designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation. Section 10.3.2.4 of the Official Plan outlines criteria for provisional consents which include but are not limited to:

- a. The lot(s) can be adequately serviced;
- b. No extension, improvement or assumption of municipal services, public streets, or new street allowance is required;
- c. The lot(s) will have frontage on a public street;
- d. The lot(s) will not restrict the ultimate development of adjacent lands;
- e. The size and shape of the lot(s) conform with the requirements of the zoning by-law, is appropriate to the use proposed and is compatible with adjacent lots

Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways, and the overall orientation and sizing of new lots within

a residential neighborhood. Planning Staff have taken into account the infill development criteria while preparing the comments below.

Zoning By-Law 1229, as amended

The subject property is zoned “Residential One” (R1) under By-law 1229, as amended, which permits one single detached dwelling per lot. This zone category requires lots to have a minimum lot frontage of 18.28m (60.0 ft), and a minimum lot area of 613.16 m² (6,600 ft²). The proposed Consent to Sever application will facilitate the creation of lots that meet the minimum lot area as required by the By-law. The proposed lot (Part 2) will not meet the minimum lot frontage, which Staff will discuss in further detail in the comments section. Provided below is a table summary of the proposed lot frontages and areas for each lot (Table 1)

Municipal Address	Current Lot Frontage	Current lot Area	Proposed Lot Frontage	Proposed Lot Area
208 Church Street	53.73m (176.28 ft)	3,300 m ² (35,520.9 ft ²)	36.65 m (120.24 ft)	2,345.20 m ² (25,243.52 ft ²)
Proposed Lot (Part 2)	N/A	N/A	17.06 m (56 ft)	960.80 m ² (10,341.97 ft ²)

Table 1 – Proposed Severance Application for 208 Church Street

COMMENTS

Consent to Sever Application B/038/23

The Applicant is proposing one new residential lot to be created through provisional consent. As previously noted in prior sections, the retained lot (Part 1) will have a lot area of 2,345.20 m² (25,243.52 ft²) and a lot frontage of 36.65 m (120.24 ft). The severed lot (Part 2) will have a lot area of 960.80 m² (10,341.97 ft²) and a lot frontage of 17.06 m (56 ft). Both proposed lots comply with the minimum lot area of 616.16 m² (6,600 ft²) as set out by Zoning By-Law 1229, as amended. Only the retained lot meets the minimum lot frontage of 18.28m (60 ft). The proposed lot’s frontage is 1.22 m (4 ft) deficient. The unique and irregular configuration of the severance results from the decision to retain the existing dwelling, necessitating compliance with zoning provisions (such as setbacks and lot coverage)

Planning Staff note that there is a wide variation among lot sizes on Church Street and within the surrounding neighborhood. Engineering staff note that the lots have adequate servicing and does not require the extension of municipal services, public streets, or infrastructure, notwithstanding the need to provide new service connections to the severed lot. Therefore, staff are of the opinion that the proposed severance complies with all the intents of the 2014 Official Plan, and opine that the proposed severance is appropriate and consistent with the lot pattern of the neighborhood.

Minor Variance Applications A/190/23 and A/191/23

The *Planning Act* states that four tests must be met in order for a minor variance to be granted by the Committee of Adjustment:

1. The variance must be minor in nature;

2. The variance must be desirable, in opinion of the Committee of Adjustment, for the appropriate development or use of land, building, or structure;
3. The general intent and purpose of the Zoning By-law must be maintained; and,
4. The general intent and purpose of the Official Plan must be maintained.

208 Church Street – Retained Lot – Increase in Floor Area Ratio

The Applicant is requesting relief to permit a floor area ratio of 55 percent, whereas the By-law permits a maximum floor area ratio of 54 percent. The variance will facilitate the severance of the existing lot, while keeping the existing two-storey single family detached dwelling on the retained lot. 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 existing building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the existing dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff opine that since all other zoning provisions are met and the fact that this is due to the existing dwelling being retained, the request is minor in nature, and is appropriate. The general intent and purpose of the Zoning by-law is maintained.

208 Church Street – Retained Lot – Reduced Minimum Driveway Setback

The Applicant is seeking relief from By-Law 28-97 to permit a driveway setback of 0 ft, whereas the By-law requires a minimum setback of 1.22 m (4 ft) Staff note that the proposed driveway has a width of 4.57 m (14.99 ft), with an additional branch off of the main section, forming a horseshoe driveway.

The proposed variance will result in a loss of soft landscaping area which will detract from the visual appearance of the neighbourhood. In addition, the increase in hard surfaces will reduce the opportunity for storm water to infiltrate into the ground thereby increasing water runoff into the storm sewer system.

Staff hold the view that the requested variance will compromise the existing character of the community, and is unwarranted considering the increased paved surface area as a result of the branch off of the main portion of the driveway. Staff consider that this request does not maintain the general intent of the bylaw and is not desirable for the community. Staff are not in support of the proposed driveway setback of 0 ft and are of the opinion that the requested variance does not meet the four tests of Minor Variance under the Planning Act.

208 Church Street – Severed lot – Reduction in Minimum Lot Frontage

The Applicant is requesting relief to permit the severed lot to have a minimum frontage of 17.06 m (56 ft), whereas Zoning By-Law 1229, as amended, requires a minimum lot frontage of 18.28m (60.00 ft). Planning staff recognize that there is a wide variation among lot sizes on Church Street and the nearby area, with some lots being as narrow as 10.06 m (33 ft) . Staff are of the opinion that the severed lot with a frontage of 17.06 m (56 ft) is generally consistent, desirable, and compatible with the existing lots on Church Street.

208 Church Street – Severed Lot – Increase in Floor Area Ratio

The Applicant is requesting relief to permit a floor area ratio of 49 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 with a floor area of 378.30 m² (4,071.98

ft²), whereas the By-law permits a dwelling with a maximum floor area of 347.37 m² (3,739.23 ft²). This represents an increase of approximately 30.93 m² (332.93 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.

Although the Applicant has not provided detailed plans of the conceptual detached dwelling on the severed lot, the preliminary drawings supplied along with this application has confirmed that 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 that have obtained variance approval for similar increase in floor area ratio ranging between 46.1 percent and 50.2 percent.

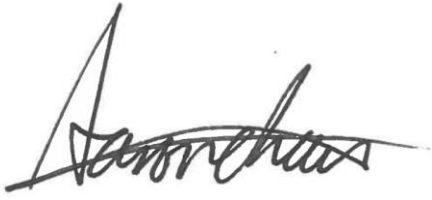
Staff note that while the building layout complies with all other zoning provisions, due to the lot configuration, it may result in a house situated closer to the property line than the adjacent dwellings. Staff opine that the request for an increased Floor Area Ratio is minor in nature and generally complies with the intent of the zoning bylaw. It is advised that the proposed dwelling maintains a consistent setback from the property line, similar to adjacent homes. The proposed severed lot is compatible with the adjacent development and will not detract from the streetscape given the diverse character of the existing neighborhood.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Sections 45(1) and 51 (24) of the Planning Act. The proposed severance will create lots that generally meet or exceed zoning requirements and the proposed conceptual dwelling on the severed lot is appropriate and desirable for the neighborhood. Planning staff recommend the approval of the Consent to Sever Application B/038/23, variance a) of Minor Variance Application A/190/23 and Minor Variance Application A/191/23. Planning staff recommend the denial of Variance Request B for a driveway setback of 0 ft from Minor Variance Application A/190/23.

Please refer to Appendix "A", "B" and "C" for conditions to be attached to any approval of this application, including that the applicant enter into a Development Agreement with the City. Staff recommend that the Committee consider public input in reaching a decision.

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stacia Muradali, Development Manager

APPENDICIES

- Appendix "A" – B/040/23 Conditions of Approval
- Appendix "B" – A/190/23 Conditions of Approval
- Appendix "C" – A/191/23 Conditions of Approval
- Appendix "D" – Draft Reference Plan
- Appendix "E" – Consent to Sever Drawing
- Appendix "F" – Minor Variance Drawing
- Appendix "G" – Survey
- Appendix "H" – Aerial Photo
- Appendix "I" – The Region of York Conditions

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/038/23

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/038/23 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted in Appendix "H"
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. That the Owner confirm that:
 - a. No existing easements registered on title that will be impacted by the proposed severance
 - b. Any and all existing services for the Retained Lot do not traverse the Severed Lot, or interconnected to the servicing of the Severed Lot
6. The Owner shall provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot, to the satisfaction of the Director of Engineering;
7. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit
8. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process
9. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff.

10. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - a. The removal of existing hedges along the Church Street Frontage
 - b. Payment of all applicable fees in accordance with the City's fee by-law;
 - c. Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - d. Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - e. Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
 - f. Submit site servicing, grading, utility, and erosion and sediment control plan, to the satisfaction of the Director of Engineering;
 - g. Construct the required servicing, grading, and utilities for this development to the satisfaction of the Director of Engineering;
 - h. To construct and/or implement any required excavation, removal, relocation, restoration and/or implement of any above or below ground municipal services or utilities that may be necessary for this development, to the satisfaction of the Director of Engineering;
 - i. submission of an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the city

11. That the Applicant shall submit to the Region for review and approval, a Site Servicing Plan for the new lot showing both plan and profile views of the proposed water and wastewater service connections relative to the location of the Region's watermain. The location of Regional infrastructure shall be field verified to the satisfaction of York Region. Additionally, Regional staff shall be invited to be on-site during confirmatory field work and provided with at least 2 weeks advance notice.

12. That the Applicant satisfies that water and wastewater servicing capacity is available to service this application as provided by the Regional Municipality of York in their comments to the Applicant, and that the Secretary-Treasurer

receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate. Prior to final approval, the Region's Planning and Economic Development Branch shall certify that the above condition(s) has/have been met to its satisfaction. York Region requests a copy of the Notice of Decision be emailed to developmentservices@york.ca if/when it becomes available.

13. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P. 13, as amended.*

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

APPENDIX "B"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/190/23

1. The variances apply only to the proposed development as long as it remains;
2. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit
3. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process
4. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

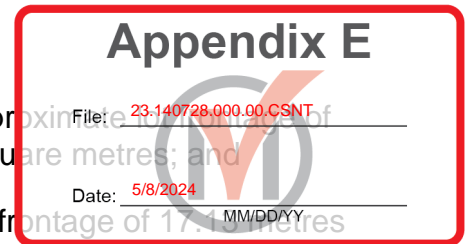
APPENDIX "C"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/191/23

1. The variances apply only to the proposed development as long as it remains;
2. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit
3. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process
4. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District



- a) **sever and convey** a parcel of land (Part 2) with an approximate lot frontage of 13.95 metres and an approximate lot area of 204.13 square metres; and
- b) **retain** a parcel of land (Part 1) with an approximate lot frontage of 17.06 metres and an approximate lot area of 510.00 square metres.

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application was related to Minor Variance Applications A/48/18 approved June 28, 2018 and A/007/21 which was approved March 10, 2021.

The Chair introduced the application.

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

The Committee received one written piece of correspondence.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold.

The Committee unanimously approved the application.

THAT Application No. **B/001/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/038/23, A/190/23, A191/23 were heard concurrently with the discussion recorded under B/038/23.

6. B/038/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)
208 Church Street, Markham
PLAN M2011 LOT 6

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 17.06 metres and an approximate lot area of 961.51 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 36.65 metres and an approximate lot area of 2343.98 square metres (Part 1).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application was related to Minor Variance applications A/190/23 and A/191/23.

The Chair introduced the application.

The agent, Anthony Sirianni appeared on behalf of the application. Anthony outlined the proposal and indicated that they were withdrawing the request for **variance b)** under application A/109/23.

The Committee received three written pieces of correspondence. Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, commented while they recognized that creating density within the existing urban area was better than sprawl, the proposal raised concerns. The proposal did not meet the intent of the Official Plan for infill development, without a revised site plan, the impact on existing trees at the property line could not be assessed, and the front yard setback was not consistent with other front yard setbacks on the street even if a variance was not required. Insufficient information was provided to assess the massing and scale of the proposed house on the severed lot and if it would impact the streetscape.

The agent, Anthony Sirianni, responded to the concerns, indicating that the front yard setback was compliant with the zoning standards and that the requested floor area ratio for the severed lot fell within the range of variances approved by the Committee for properties close to the proposed lot. A design for the home had yet to be completed, but it would be similar to the homes in the area and consistent with the parameters of the by-law.

Member Reingold expressed that there were too many unknowns regarding the lots' proposed development to assess and fully support the application. Member Reingold requested that the applicant provide renderings of the new house and a new site plan illustrating a revised driveway location to ensure that the proposal was in keeping with the neighbourhood.

Member Prasad indicated the consent could be considered apart from the requested variances, but as they needed to be considered together, additional information would be needed for a decision.

The Chair had no issues with the requested consent, the variance for lot width or the floor area ratio on the retained lot. However, they would not support approving the variance for floor area ratio on the severed lot without first having plans to demonstrate the size and massing of the proposed house. The Chair indicated that the previous approvals referred to by the applicant had been granted for proposals with plans which the Committee had considered for potential impacts to the neighbours and the

streetscape. The Chair recommended deferral to allow for the submission of drawings related to the proposed house on the severed lot.

Anthony Sirianni agreed to the deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

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

Resolution Carried

7. A/190/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)
208 Church Street, Markham
PLAN M2011 LOT 6

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

- a) **Amending By-law 99-90, Section Table C:**
a floor area ratio of 55 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- b) **Amending By-law 28-97, Section 6.2.4.4(a):**
a driveway with a minimum interior side yard setback of 0 feet, whereas the by-law requires a minimum interior side yard setback of 4 feet;

as it related to an existing residential dwelling.

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **A/190/23** be **deferred** sine die.

Resolution Carried

8. A/191/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)

**208 Church Street, Markham
PLAN M2011 LOT 6**

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

- a) **By-law 1229, Section Table 11.1:**
a minimum lot frontage of 56 feet (17.06 metres), whereas the by-law requires a minimum lot frontage of 60 feet (18.28 metres); and
- b) **By-law 99-90, Section Table C:**
a floor area ratio of 49 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

as it related to a proposed two-storey residential dwelling.

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

THAT Application No. **A/192/23** be **deferred** sine die.

Resolution Carried

Adjournment

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:05 pm, and the next regular meeting would be held on April 17, 2024.

CARRIED

Secretary-Treasurer
Committee of Adjustment

Chair
Committee of Adjustment

SURVEYOR'S REAL PROPERTY REPORT PART 1
PLAN OF SURVEY OF LOT 6 REGISTERED CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK
 SCALE 1:250
Appendix F
 File: 23.140728.000.00.CSNT
 Date: 5/8/2024
 © COPYRIGHT PEARSON & PEARSON SURVEYING LTD. 2022
 Ontario Land Surveyors
Metric
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Part 2
 DESCRIPTION OF LAND: LOT 6, REGISTERED PLAN M-2011, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK.
 REGISTERED EASEMENTS AND/OR RIGHTS OF WAY: NO REGISTERED EASEMENTS OR RIGHTS OF WAY ON TITLE.
 BOUNDARY FEATURES: NOTE ALL FENCES, HEDGES, DRIVEWAYS, WALKWAYS AND OVERHEAD UTILITY WIRES ARE SHOWN IN RELATION TO THE BOUNDARY. COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS: THIS PLAN DOES NOT CERTIFY ZONING COMPLIANCE OR IDENTIFY WHAT ZONING RESTRICTIONS ARE INVOLVED.
 THIS REPORT WAS PREPARED FOR NAV SHARMA AND THE UNDERSIGNED ACCEPTS AND NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.
 ADDITIONAL REMARKS: NOTE THE POSITION OF DECORATIVE STONE COLUMNS AT THE SOUTH PROPERTY LINE.

Bearing Note
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF LOT 6 SHOWN ON REGISTERED PLAN M-2011 AS HAVING A BEARING OF N18°08'30"W.

Benchmark
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO A CITY OF MARKHAM.
 BENCHMARK : 00819668329B ELEVATION = 186.670m (DATUM: CGVD28:PRE78)

Note
 SUBSTANTIAL AMOUNTS OF SNOW & ICE ACCUMULATION ON THE GROUND AT TIME OF SURVEY. FROZEN GROUND, SNOW COVER & ICE ETC. MAY HAVE HIDDEN SOME FEATURES.
 TREE CALIPERS ARE NOT TO ARBORIST STANDARDS AND FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

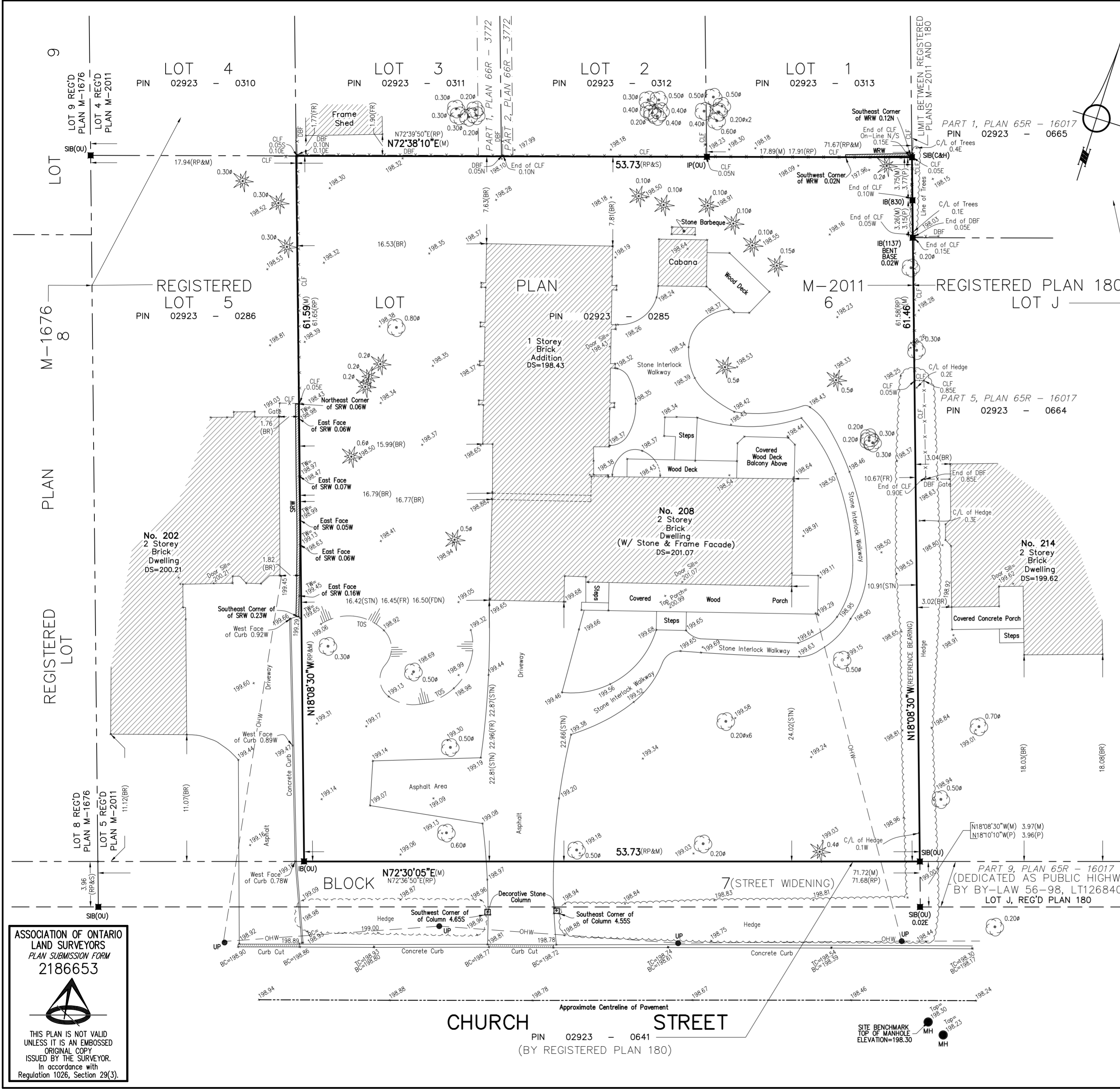
Legend

■	DENOTES SURVEY MONUMENT FOUND	□	DENOTES SURVEY MONUMENT SET
SIB	DENOTES STANDARD IRON BAR	IB	DENOTES IRON BAR
IP	DENOTES IRON PIPE	OU	DENOTES ORIGIN UNKNOWN
S	DENOTES SET	M	DENOTES MEASURED
N/S/E/W	DENOTES NORTH/SOUTH/EAST/WEST	RP	DENOTES REGISTERED PLAN M-2011
P	DENOTES PLAN 65R-16017	830	DENOTES E. W. PETZOLD O.L.S.
1137	DENOTES R. G. MCKIBBON LTD., O.L.S.	C&H	DENOTES CARTER HORWOOD LTD., O.L.S.
DBF	DENOTES DOUBLE BOARD FENCE	CLF	DENOTES CHAIN LINK FENCE
BR	DENOTES TIES TO BRICK	ST	DENOTES TIES TO STONE
FDN	DENOTES TIES TO FOUNDATION	FR	DENOTES TIES TO FRAME
SRW	DENOTES STONE RETAINING WALL	TW	DENOTES TOP OF WALL ELEVATION
TC	DENOTES TOP OF CURB	BC	DENOTES BOTTOM OF CURB
TOS	DENOTES TOP OF SLOPE	OHW	DENOTES OVERHEAD UTILITY WIRES
UP	DENOTES UTILITY POLE	GW	DENOTES GUY WIRE
MH	DENOTES MANHOLE	C/L	DENOTES CENTER LINE
Ø	DENOTES DIAMETER (ROUND)	DS	DENOTES DOOR SILL ELEVATION
⊙	DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER	⊙	DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER

Surveyor's Certificate
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 28TH DAY OF JANUARY, 2022.

March 1, 2022
 Date
 Peter J. Homer
 Ontario Land Surveyor


10933 JANE STREET, SECOND FLOOR, MAPLE ONTARIO, L6A 1S1
 O. : (289) 553-5453
 E. : michelp@pearsonandpearson.ca
PEARSON PEARSON SURVEYING LTD.
 DRAWING : 2379-ChurchStreet208-SRPR.DWG PROJECT : 2379
 CALC. BY PJH DRAWN BY JC CHECKED BY MP/PJH



ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2186653

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

CHURCH STREET
 PIN 02923 - 0641
 (BY REGISTERED PLAN 180)

PLAN OF SUBDIVISION OF
LOT I, REGISTERED PLAN 180
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 Scale  1:500

carter horwood limited
 ontario land surveyors
 1980

TO - 401 DE

APPROVED DEC 11, 1980

A. C. Naphtine
 ASST EXAMINER OF SURVEYS

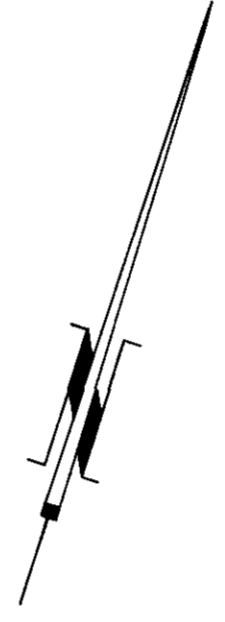
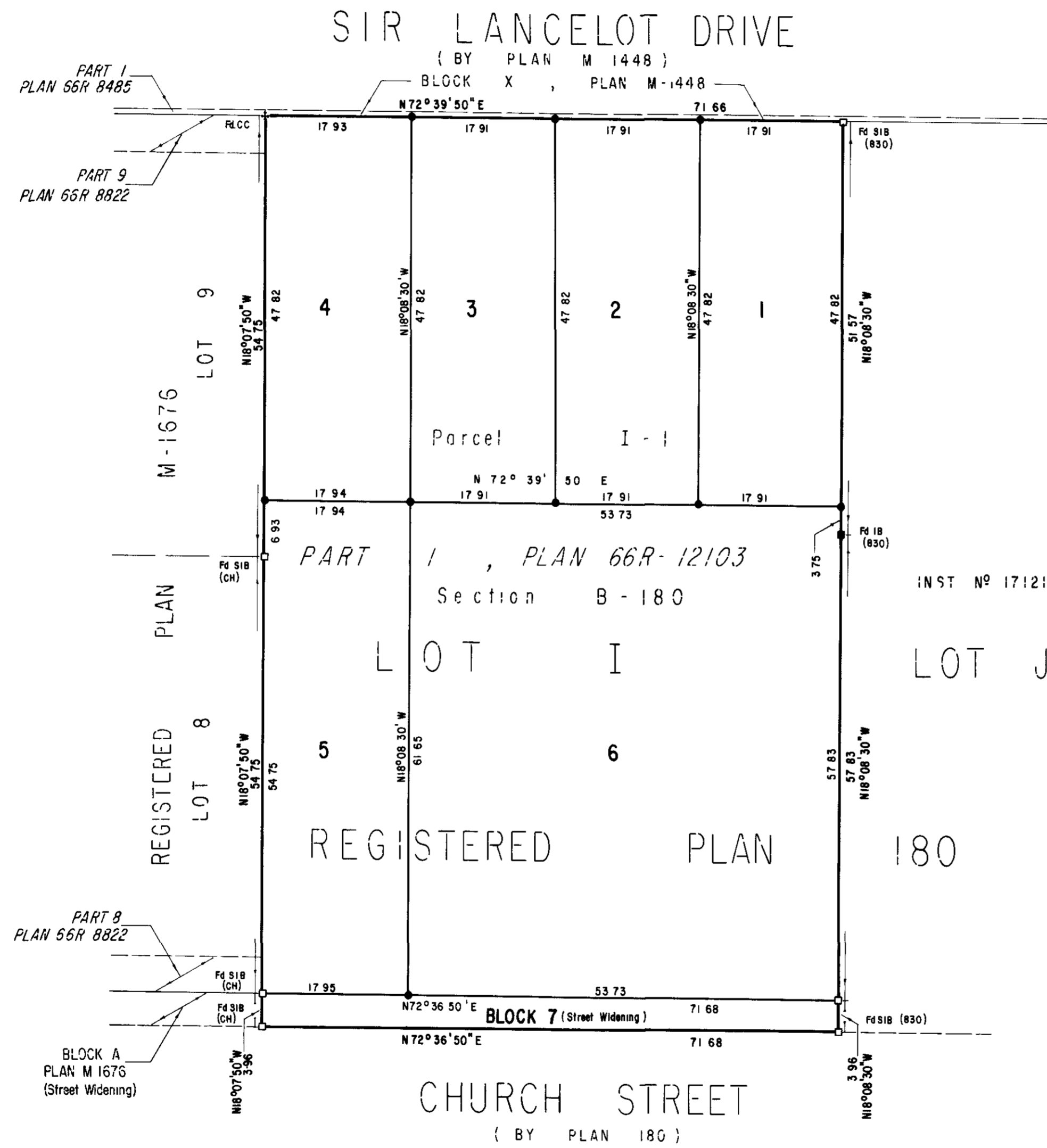
PLAN M-2011 Appendix F

CERTIFICATE OF REGISTRATION
 File: 23.140728.000.00.CSNT
 I CERTIFY THAT THIS PLAN M-2011 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF YORK REGION (No. 556) BLOCK ON THE 16 DAY OF Jan 1981 AND IS IN THE REGISTER FOR PARCEL SECTION M-2011 AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT NO. 4734470

S. Atchison
 Deputy LAND REGISTRAR

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

THIS PLAN COMPRISES ALL OF PARCEL I-1, SECTION B-180



OWNER'S CERTIFICATE
 This is to certify that
 1 Lots 1 to 6 both inclusive and Street Widening namely Block 7 have been laid out in accordance with our instructions
 2 The Street Widening is hereby dedicated as public highway

Friday Nov 21/80
Ivy Pointner
 IVY POINTNER - President
 POINTNER CONSTRUCTION INC

All monumentation shown hereon is planted unless otherwise noted

- S1B Standard Iron Bar
- IB Iron Bar
- Iron Bar (round)
- CC - Cut Cross

SURVEYOR'S CERTIFICATE
 1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
 2 THE SURVEY WAS COMPLETED ON THE 5th DAY OF MAY, 1980

Approved under Section 33 of The Planning Act this 3RD day of DECEMBER, 1980
Robert N. Vernon
 Robert N. Vernon, Clerk

MAY 15, 1980
 DATE
David O. Horwood
 DAVID O. HORWOOD
 ontario land surveyor

carter horwood limited ontario land surveyors box 171, markham, ontario L3P 3J7 ph 294 1328	DRAWN BY CcH
	CHECKED BY DH
	SCALE 1:500
	PROJECT No 79441

M-2011

M-2011

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

Appendix F

FILE : 23.140728.000.00.CSNT

Date: 5/8/2024

REPRESENTATIVE FOR THE LAND TITLES DIVISION OF YORK

Schedule

PART	ALL OF LOT	REGISTERED PLAN	ALL OF PIN	AREA(Sq.m)
1	6	M-2011	02923-0285	2333.0
2				973.0

PLAN OF SURVEY OF
LOT 6
 REGISTERED PLAN M-2011
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:250

PEARSON & PEARSON SURVEYING LTD. 2023
 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 0.99986355. FOR BEARING COMPARISONS A ROTATION OF 01'49'05" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON RP & P TO CONVERT TO UTM BEARINGS.

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.

POINT ID	NORTHING	EASTING
DRP A	4860404.96	641344.64
DRP B	4860387.16	641293.97
DRP C	4860445.04	641272.92
DRP D	4860462.73	641323.66

SPECIFIED CONTROL POINTS (SCPs)

MONUMENT ID.	NORTHING	EASTING
SCP 1	4860373.85	641309.95
SCP 2	4860391.26	641360.15

- Legend**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR (PLANTED DUE TO EXISTENCE OF BELOW GRADE SERVICES OR TREE ROOTS)
 - IB DENOTES IRON BAR
 - IP DENOTES IRON PIPE
 - CP DENOTES CONCRETE PIN
 - WT DENOTES WITNESS
 - OU DENOTES ORIGIN UNKNOWN
 - S DENOTES SET
 - M DENOTES MEASURED
 - N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST
 - RP DENOTES REGISTERED PLAN M-2011
 - P DENOTES PLAN 65R-16017
 - 830 DENOTES E. W. PETZOLD, O.L.S.
 - 1137 DENOTES R. G. MCKIBBON LTD., O.L.S.
 - 1670 DENOTES PEARSON & PEARSON SURVEYING LTD., O.L.S.
 - C&H DENOTES CARTER & HORWOOD LTD., O.L.S.
 - DBF DENOTES DOUBLE BOARD FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - BR DENOTES TIES TO BRICK
 - ST DENOTES TIES TO STONE
 - FDN DENOTES TIES TO CONCRETE FOUNDATION
 - FR DENOTES TIES TO FRAME
 - SRW DENOTES STONE RETAINING WALL

Surveyor's Certificate
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 4TH DAY OF OCTOBER, 2023.

October 04, 2023
 Date

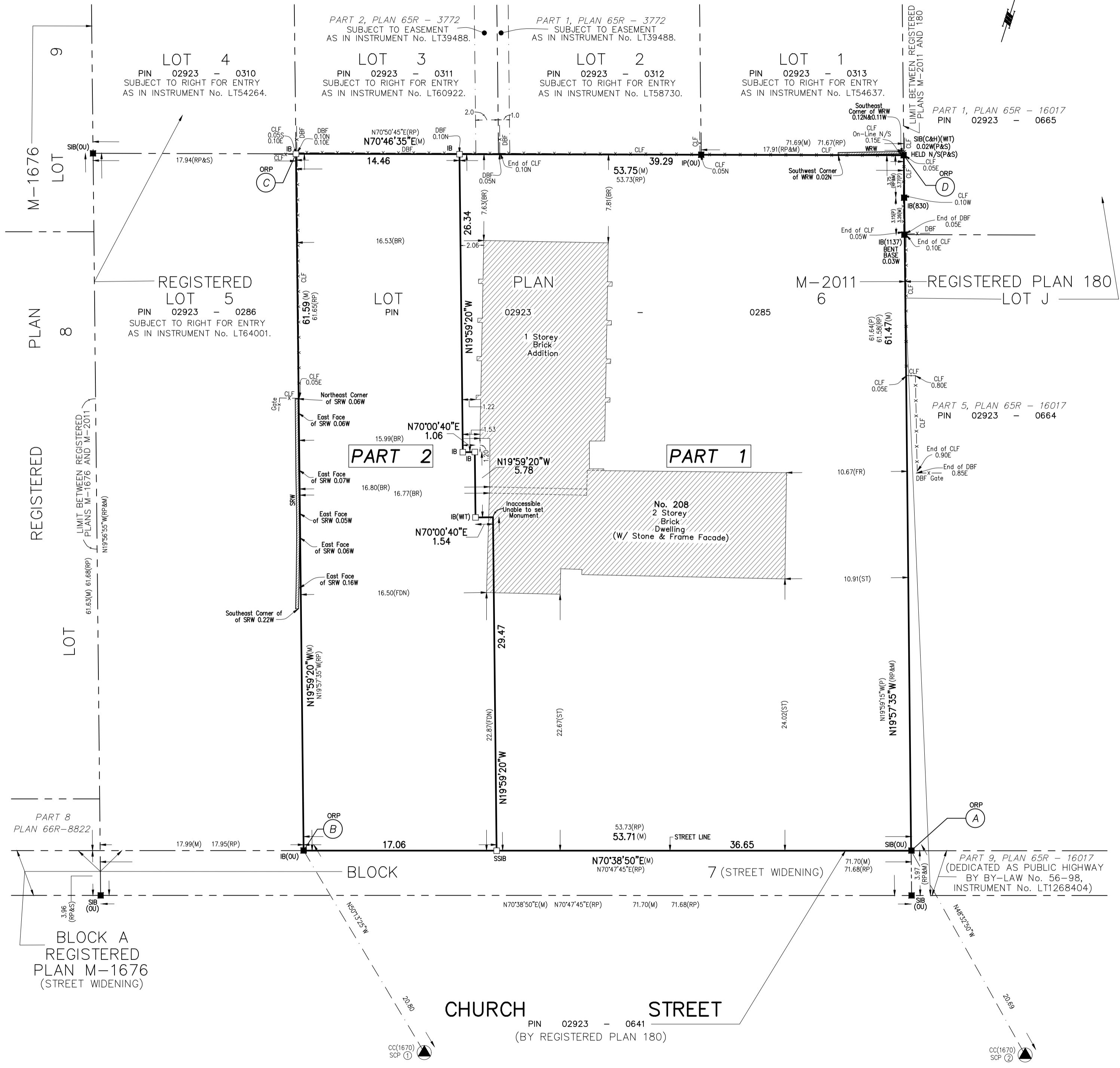
Jason Chun-Ho Mo
 Ontario Land Surveyor

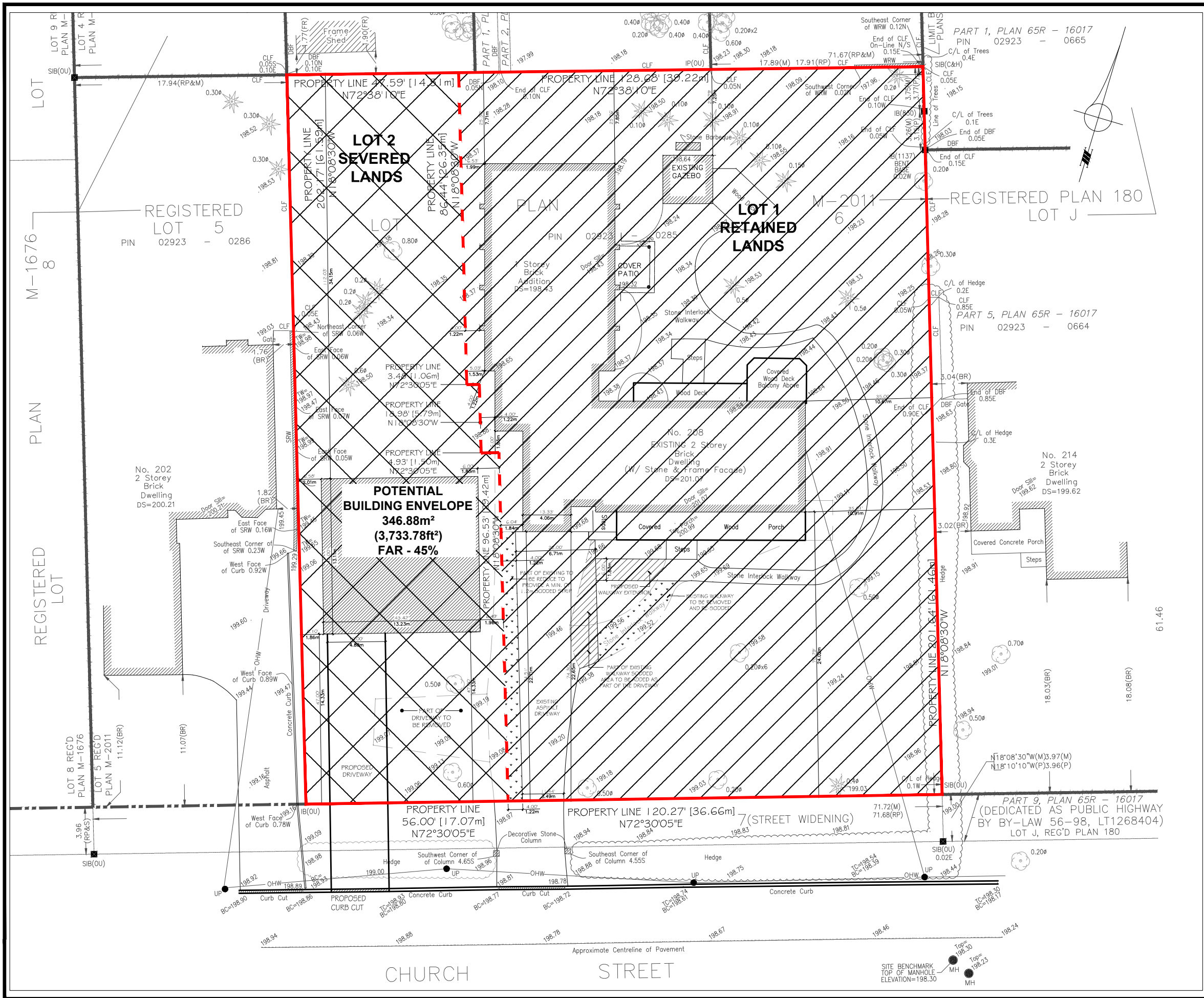
THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER

10211 KEELE STREET, UNIT #116, MAPLE ONTARIO, L6A 4R7
 O. : (289) 553-5453
 E. : michelpearson@pearsonandpearson.ca

P&P PEARSON+ PEARSON+ SURVEYING LTD.

DRAWING : 2379-ChurchStreet208-RP.DWG PROJECT : 2379
 CALC. BY JM DRAWN BY JC/TM/JM CHECKED BY MP/JM





ZONING BY-LAW MATRIX - F-1-0			
TOTAL SITE AREA: 0.32 ha (0.81 ac)			
Description	Required	File: 23.140728.000.00.CSNT	Severed Lands
Minimum Lot Frontage	11.30m	16.88m	17.07m
Minimum Interior Lot Area	0.06 ha (0.15 ac)	0.57 ha (1.41 ac)	0.09 ha (0.24 ac)
Minimum Front Yard Depth	7.62m	22.65m	14.33m
Minimum Interior Side Yard Width	1.22m for 1st Storey or part thereof, and 1.83m for two plus storeys	1.22m (west) 10.67m (east)	1.86m (west) 1.83m (east)
Minimum Rear Yard Depth	7.62m	7.71m	34.15m
Building Gross Floor Area (min)	111.00 m² (1200.00 ft²)	471.76 m² (5,078.07 ft²)	346.88 m² (3,733.78 ft²)
Floor Area Ratio	45%	55%	44%

STATISTICS OVERVIEW	
TOTAL LOT AREA:	0.32 ha (0.81 ac)
LANDS to be RETAINED:	0.23 ha (0.57 ac)
LANDS to be SEVERED:	0.09 ha (0.24 ac)

LEGEND

- PROPERTY BOUNDARY
- LANDS to be RETAINED
- LANDS to be SEVERED

CONCEPTUAL SEVERANCE PLAN PROPOSED NEW LOT 208 CHURCH STREET CITY of MARKHAM	
P.N.: 23.3247.00	Date: April 11, 2024
Scale: N.T.S	Revised:
Drawn By: H.S.	File No.: PN 3247 Concept Plan

7685 Hurontario Street
Suite 501
Brampton, Ontario
L6W 0B4
P: (905) 796-5790
F: (855) 771-7266
www.gwdplanners.com

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

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


Appendix F

DATE: File: 23.140728.000.00.CSNT 2023

Date: 5/8/2024 REPRESENTATIVE FOR THE LAND SURVEYOR ONTARIO LAND SURVEYOR MM/DD/YY TITLES DIVISION OF YORK REGION (No. 65)

PART	ALL OF LOT	REGISTERED PLAN	ALL OF PIN	AREA(Sq.m)
1	6	M-2011	02923-0285	2345.2
2				960.8

PLAN OF SURVEY OF LOT 6 REGISTERED PLAN M-2011 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK SCALE 1:250



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 0.99986355 FOR BEARING COMPARISONS A ROTATION OF 01'49'05" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON RP & P1 TO CONVERT TO UTM BEARINGS.

POINT ID	NORTHING	EASTING
ORP A	4860404.96	641344.64
ORP B	4860387.16	641293.97
ORP C	4860445.04	641272.92
ORP D	4860462.73	641323.66

MONUMENT ID.	NORTHING	EASTING
SCP 1	4860373.85	641309.95
SCP 2	4860391.26	641360.15

Legend

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR (PLANTED DUE TO EXISTENCE OF BELOW GRADE SERVICES OR TREE ROOTS)
IB	DENOTES	IRON BAR
IP	DENOTES	IRON PIPE
CP	DENOTES	CONCRETE PIN
OU	DENOTES	ORIGIN UNKNOWN
S	DENOTES	SET
M	DENOTES	MEASURED
N/S/E/W	DENOTES	NORTH/SOUTH/EAST/WEST
RP	DENOTES	REGISTERED PLAN M-2011
P	DENOTES	PLAN 65R-16017
830	DENOTES	E. W. PETZOLD, O.L.S.
1137	DENOTES	R. G. MCKIBBON LTD., O.L.S.
1670	DENOTES	PEARSON & PEARSON SURVEYING LTD., O.L.S.
C&H	DENOTES	CARTER & HORWOOD LTD., O.L.S.
DBF	DENOTES	DOUBLE LINK FENCE
CLF	DENOTES	CHAIN LINK FENCE
BR	DENOTES	TIES TO BRICK
ST	DENOTES	TIES TO STONE
FDN	DENOTES	TIES TO CONCRETE FOUNDATION
FR	DENOTES	TIES TO FRAME
SRW	DENOTES	STONE RETAINING WALL

Note
ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

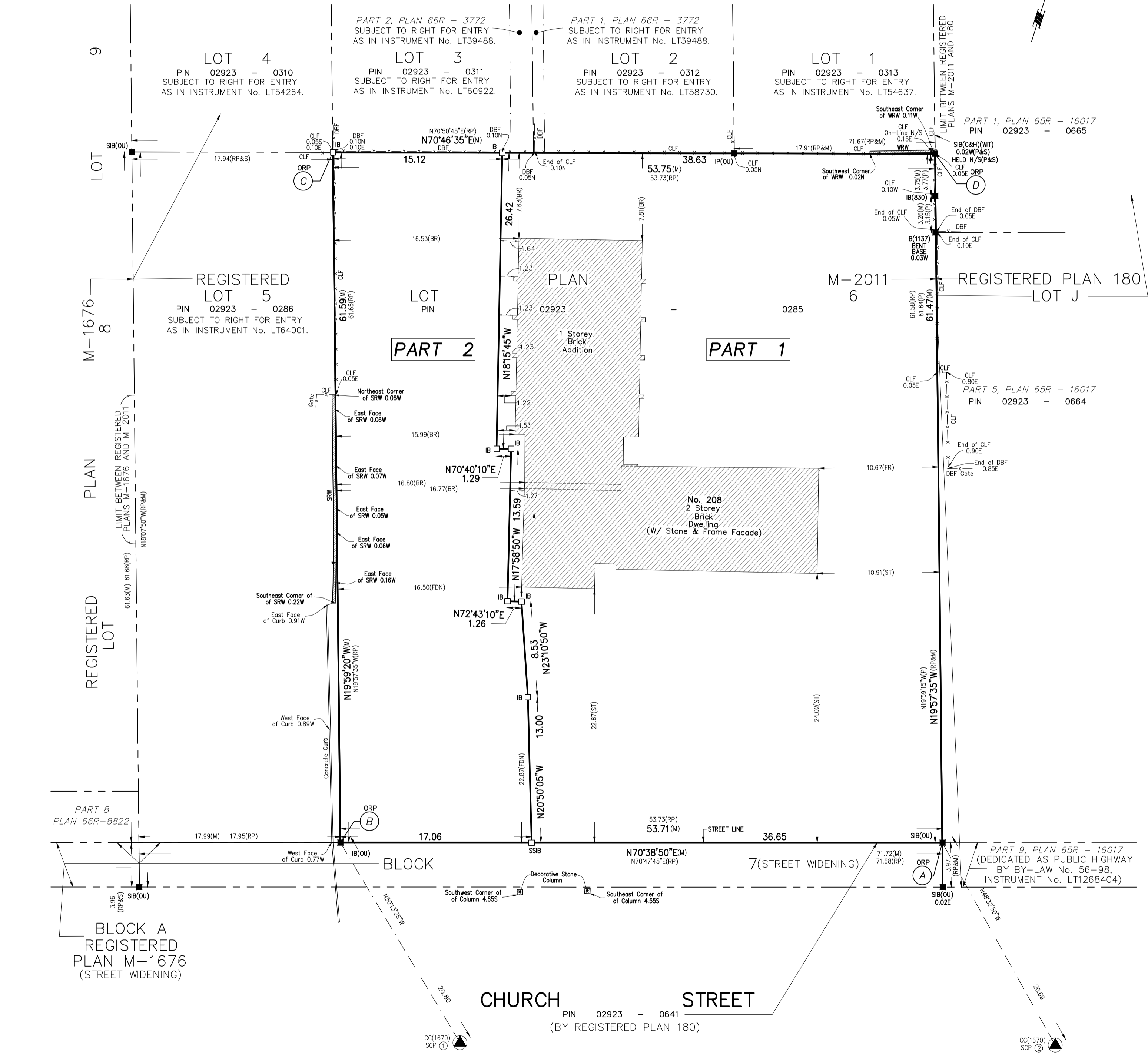
Surveyor's Certificate
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 30TH DAY OF JANUARY 2024.

January 30, 2024
Date
Jason Chun-Ho Mo
Ontario Land Surveyor

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-66050

10211 KEELE STREET, UNIT #116, MAPLE ONTARIO, L6A 4R7
O.: (289) 553-5453
E.: michelepearson@pearsonandpearson.ca

P&P PEARSON PEARSON SURVEYING LTD.
DRAWING : 2379-ChurchStreet208-RP.DWG PROJECT : 2379
CALC. BY JM DRAWN BY JC/TM/JM CHECKED BY MP/JM

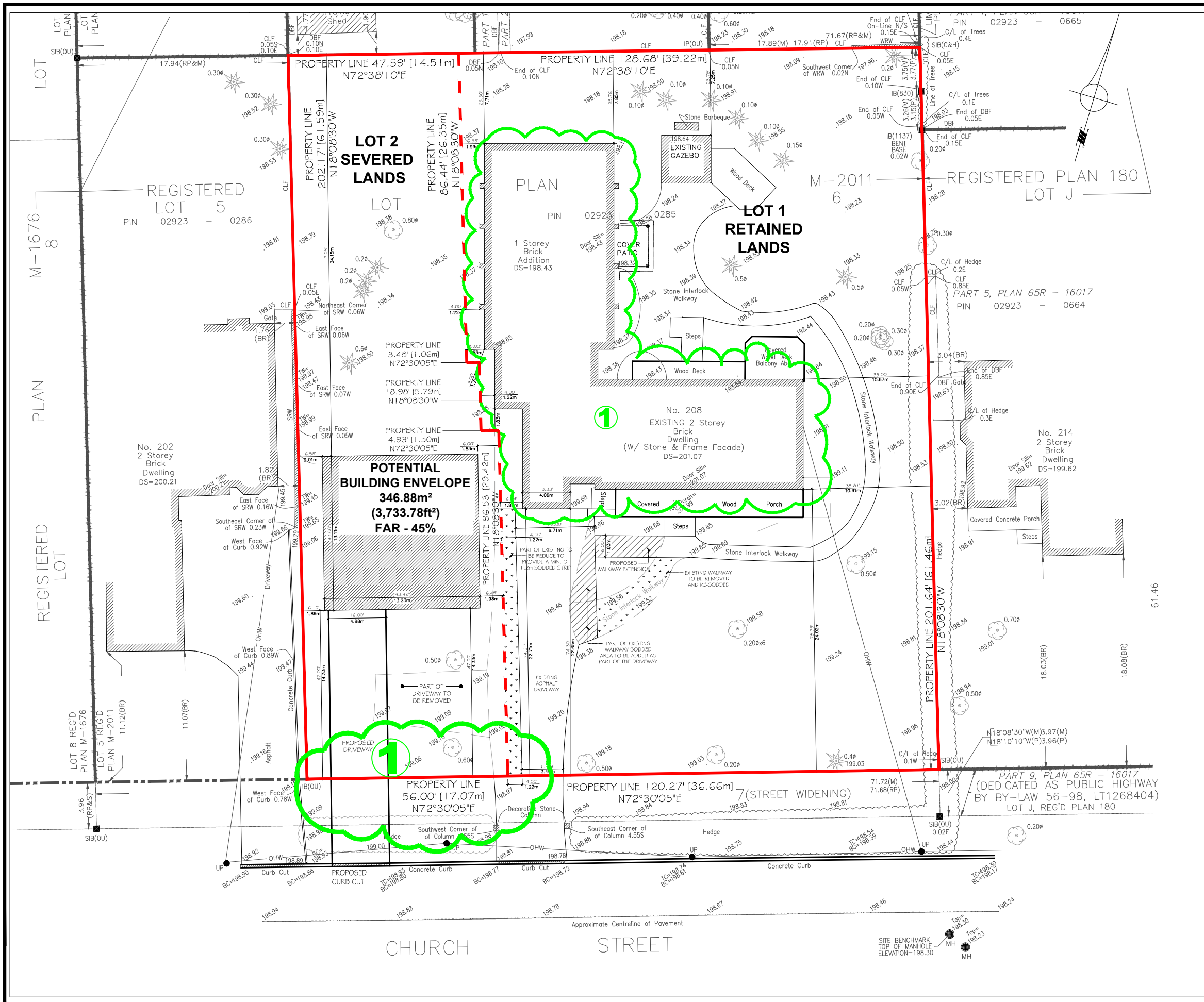


Appendix F

File: 23.140728.00.00.CSNT

Date: 5/8/2024

MM/DD/YY



MINOR VARIANCE Retained Lands

1. To permit a floor area ratio of 55.00% whereas the Zoning By-law permits a floor area ratio of 45.00%.

Severed Lands

2. To permit a minimum lot frontage of 17.07m whereas the Zoning By-law requires a minimum lot frontage of 18.30m.

STATISTICS OVERVIEW

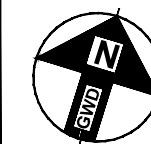
TOTAL LOT AREA:	0.32 ha (0.81 ac)
LANDS to be RETAINED:	0.23 ha (0.57 ac)
LANDS to be SEVERED:	0.09 ha (0.24 ac)

LEGEND

- PROPERTY BOUNDARY
- 1 MINOR VARIANCE

MINOR VARIANCE PLAN 208 CHURCH STREET CITY of MARKHAM

P.N.: 23.3247.00	Date: April 11, 2024
Scale: N.T.S	Revised:
Drawn By: H.S.	File No.: PN 3247 Minor Variance Plan



Appendix E

- a) **sever and convey** a parcel of land (Part 2) with an approximate lot frontage of 13.95 metres and an approximate lot area of 204.13 square metres; and
- b) **retain** a parcel of land (Part 1) with an approximate lot frontage of 17.06 metres and an approximate lot area of 510.00 square metres.

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application was related to Minor Variance Applications A/48/18 approved June 28, 2018 and A/007/21 which was approved March 10, 2021.

The Chair introduced the application.

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

The Committee received one written piece of correspondence.

Member Prasad agreed with the recommendations of the staff report and motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold.

The Committee unanimously approved the application.

THAT Application No. **B/001/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/038/23, A/190/23, A191/23 were heard concurrently with the discussion recorded under B/038/23.

6. **B/038/23**

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)
208 Church Street, Markham
PLAN M2011 LOT 6

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 17.06 metres and an approximate lot area of 961.51 square metres (Part 2); and
- b) **retain** a parcel of land with an approximate lot frontage of 36.65 metres and an approximate lot area of 2343.98 square metres (Part 1).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new residential lot.

This application was related to Minor Variance applications A/190/23 and A/191/23.

The Chair introduced the application.

The agent, Anthony Sirianni appeared on behalf of the application. Anthony outlined the proposal and indicated that they were withdrawing the request for **variance b)** under application A/109/23.

The Committee received three written pieces of correspondence. Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, commented while they recognized that creating density within the existing urban area was better than sprawl, the proposal raised concerns. The proposal did not meet the intent of the Official Plan for infill development, without a revised site plan, the impact on existing trees at the property line could not be assessed, and the front yard setback was not consistent with other front yard setbacks on the street even if a variance was not required. Insufficient information was provided to assess the massing and scale of the proposed house on the severed lot and if it would impact the streetscape.

The agent, Anthony Sirianni, responded to the concerns, indicating that the front yard setback was compliant with the zoning standards and that the requested floor area ratio for the severed lot fell within the range of variances approved by the Committee for properties close to the proposed lot. A design for the home had yet to be completed, but it would be similar to the homes in the area and consistent with the parameters of the by-law.

Member Reingold expressed that there were too many unknowns regarding the lots' proposed development to assess and fully support the application. Member Reingold requested that the applicant provide renderings of the new house and a new site plan illustrating a revised driveway location to ensure that the proposal was in keeping with the neighbourhood.

Member Prasad indicated the consent could be considered apart from the requested variances, but as they needed to be considered together, additional information would be needed for a decision.

The Chair had no issues with the requested consent, the variance for lot width or the floor area ratio on the retained lot. However, they would not support approving the variance for floor area ratio on the severed lot without first having plans to demonstrate the size and massing of the proposed house. The Chair indicated that the previous approvals referred to by the applicant had been granted for proposals with plans which the Committee had considered for potential impacts to the neighbours and the

streetscape. The Chair recommended deferral to allow for the submission of drawings related to the proposed house on the severed lot.

Anthony Sirianni agreed to the deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

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

Resolution Carried

7. A/190/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)
208 Church Street, Markham
PLAN M2011 LOT 6

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

- a) **Amending By-law 99-90, Section Table C:**
a floor area ratio of 55 percent, whereas the by-law permits a maximum floor area ratio of 45 percent; and
- b) **Amending By-law 28-97, Section 6.2.4.4(a):**
a driveway with a minimum interior side yard setback of 0 feet, whereas the by-law requires a minimum interior side yard setback of 4 feet;

as it related to an existing residential dwelling.

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

Moved by: Arun Prasad
Seconded by: Jeamie Reingold

THAT Application No. **A/190/23** be **deferred** sine die.

Resolution Carried

8. A/191/23

Agent Name: Gagnon Walker Domes Ltd. (Anthony Sirianni)

**208 Church Street, Markham
PLAN M2011 LOT 6**

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

- a) **By-law 1229, Section Table 11.1:**
a minimum lot frontage of 56 feet (17.06 metres), whereas the by-law requires a minimum lot frontage of 60 feet (18.28 metres); and
- b) **By-law 99-90, Section Table C:**
a floor area ratio of 49 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

as it related to a proposed two-storey residential dwelling.

This application was related to Consent application B/038/23.

Member Prasad motioned for deferral

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

THAT Application No. **A/192/23** be **deferred** sine die.

Resolution Carried

Adjournment

**Moved by: Arun Prasad
Seconded by: Jeamie Reingold**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:05 pm, and the next regular meeting would be held on April 17, 2024.

CARRIED

Secretary-Treasurer
Committee of Adjustment

Chair
Committee of Adjustment