

# Memorandum to the City of Markham Committee of Adjustment

January 12, 2023

**File:** A/200/22  
**Address:** 180 Krieghoff Avenue, Markham  
**Applicant:** Memar Architects Inc. (Lucy Mar Guzman)  
**Agent:** Memar Architects Inc. (Lucy Mar Guzman)  
**Hearing Date:** Wednesday January 18, 2023

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Fourth Density Single Family Residential (R4)” zone requirements under By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Section 6.1:**  
a minimum front yard setback of 21 feet 5 inches (6.55 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 metres);
- b) **Section 6.1:**  
a minimum side yard setback of 4 feet (1.22 metres), whereas the By-law requires a minimum side yard setback of 6 feet (1.83 metres) for a 2 storey building;
- c) **Section 6.1:**  
a maximum lot coverage of 37.72 percent, whereas the By-law requires a maximum lot coverage of 33.3 percent; and
- d) **Section 6.1:**  
a maximum building height of 26 feet (7.92 metres), whereas the By-law requires a maximum building height of 25 feet (7.62 metres).

## BACKGROUND

### Property Description

The 696.67 m<sup>2</sup> (7,498.90 ft<sup>2</sup>) Subject Lands are located on the north side of Krieghoff Avenue, generally located west of Main Street Unionville and northeast of Fred Varley Drive (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings.

There is an existing one-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1966. The Subject Lands contain mature vegetation and large mature trees in the front yard and rear yard.

## **Proposal**

The Applicant is proposing to construct a new 495 m<sup>2</sup> (5,328.14 ft<sup>2</sup>) two-storey detached dwelling (refer to Appendix “B” – Plans).

## **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the Subject Lands “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. Regard shall also be had for the retention and enhancement of existing trees and vegetation. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

## Zoning By-Law 11-72

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits a single detached dwelling.

The proposed dwelling does not comply with the by-law requirements as it relates to minimum front yard setback, minimum side yard setback, maximum lot coverage and maximum building height.

## Varley Village Infill Area

The Subject Lands are within an area of the City where larger dwellings are replacing the existing building stock. In response to concerns within this redevelopment trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville SubCommittee (a Committee of Council), undertook a review of this issue with community consultation, and ultimately recommend that no action be taken to implement an infill by-law at that time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law was not enacted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

## **Zoning Preliminary Review (ZPR) Undertaken**

The Applicant completed a Zoning Preliminary Review (ZPR) to confirm the initial

variances required for the originally submitted proposed development. However, in response to comments received during the processing of this application, the Applicant submitted revised drawings (refer to the Tree Protection and Compensation subsection of this report for additional details).

The Applicant has confirmed that they will not be submitting a new ZPR for the revised drawings. Consequently, it is the Applicant's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

## **COMMENTS**

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

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained; and
- d) The general intent and purpose of the Official Plan must be maintained.

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

The Applicant is requesting relief to permit a minimum front yard setback of 21 feet 5 inches (6.55 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 metres) required for 2 storey building. This represents a 5 feet 7 inches (1.70 metres) reduction to the permitted front yard setback. The variance is attributable to the covered porch proposed at the front of the dwelling. The majority of the main front wall of the building meets the By-law requirement for minimum front yard setback, however the covered porch encroaches into the permitted front yard setback.

Staff are of the opinion that the proposed minimum front yard setback to accommodate the covered porch is minor and have no concern with the requested variance.

### **Reduction in Minimum Side Setback**

The Applicant is requesting relief to permit a minimum side yard setback of 4 feet (1.22 metres), whereas the By-law requires a minimum side yard setback of 6 feet (1.83 metres) required for 2 storey building. This represents a 2 foot (0.61 metre) reduction to the permitted side yard setback. Staff are of the opinion that the proposed minimum side yard setback is minor and have no concern with the requested variance.

### **Increase in Maximum Lot Coverage**

The Applicant is requesting relief for a maximum lot coverage of 37.72 percent, whereas the By-law permits a maximum lot coverage of 33.3 percent. Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and that the resultant dwelling is generally consistent with what the By-law permits. Therefore, Staff have no objections to the approval of the requested variance.

### **Increase in Maximum Building Height**

The Applicant is requesting relief to permit a maximum building height of 26 feet (7.92 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres). This represents an increase of 1 foot (0.3 meters).

Staff are of the opinion that the proposed maximum building height is minor and have no concern with the requested variance.

### **Tree Protection and Compensation**

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring tree at 182 Kreighoff Avenue and requested that the walk-up to the building footprint in the rear yard be revised to eliminate injury to this tree.

The Applicant agreed to accommodate the change proposed by the Tree Preservation Technician and moved the proposed rear yard staircase to decrease the potential of injury to the mature tree in the neighbouring yard.

Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

### **PUBLIC INPUT SUMMARY**

As of January 12, 2023, the City received one (1) letter of opposition to the proposal. The letter of opposition expressed concern over the proposed variances for front yard setback, side yard setback and maximum lot coverage. The letter further noted support of the proposed height variance "only under the condition that the extra foot of height is in the centre of the roof and not at the front yard setback line which would detract the street view." 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 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 "C" for conditions to be attached to any approval of this application.

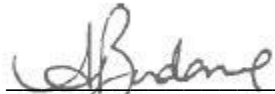
PREPARED BY:



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Deanna Schlosser, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



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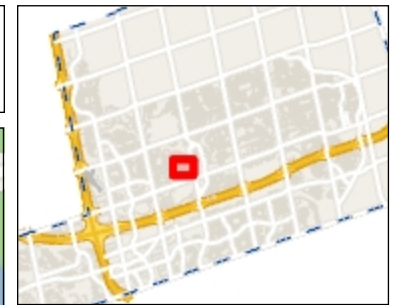
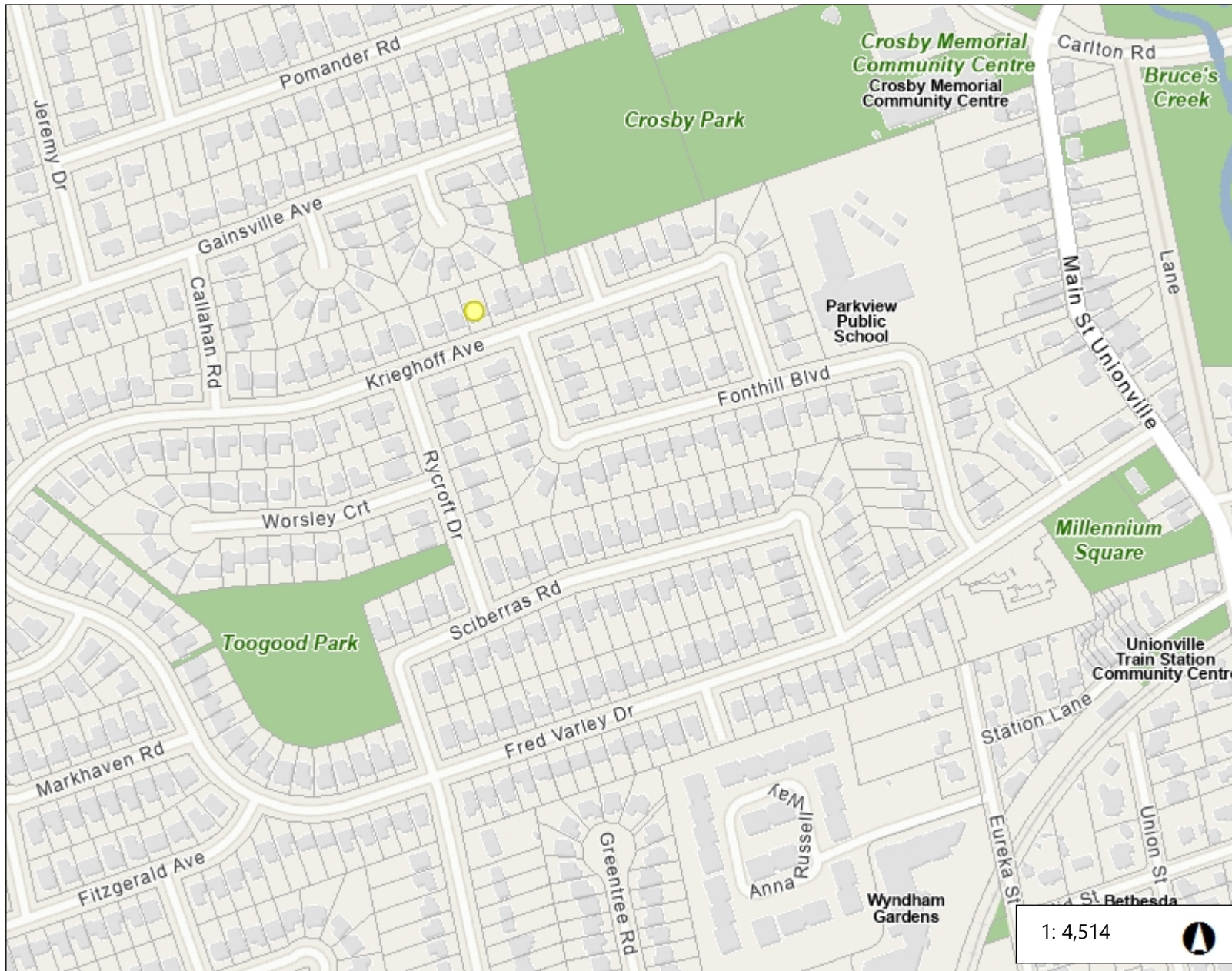
Sabrina Bordone, MCIP RPP, Development Manager, Central District

## **APPENDICES**

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/120/22 Conditions of Approval



**Legend**  
 ● Subject Lands

1: 4,514



229.3 0 114.66 229.3 Meters

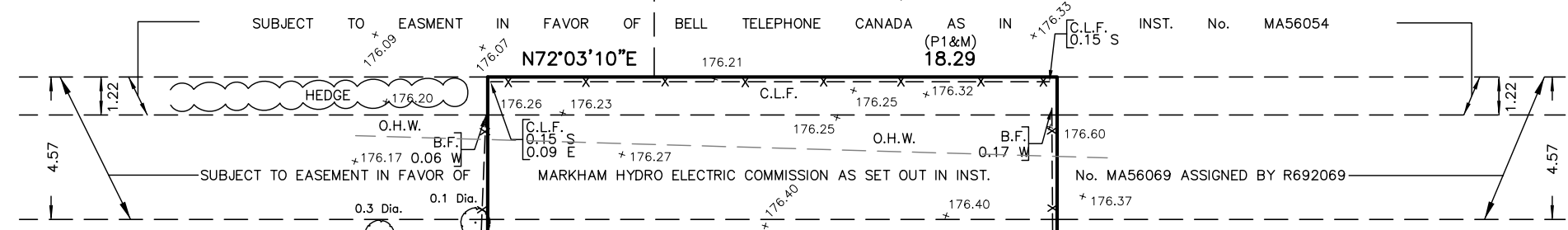
NAD\_1983\_UTM\_Zone\_17N  
 © City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes

REGISTERED LOT 8 PLAN M-1368  
 PIN 02979-0081

REGISTERED LOT 7  
 PIN 02979-0082

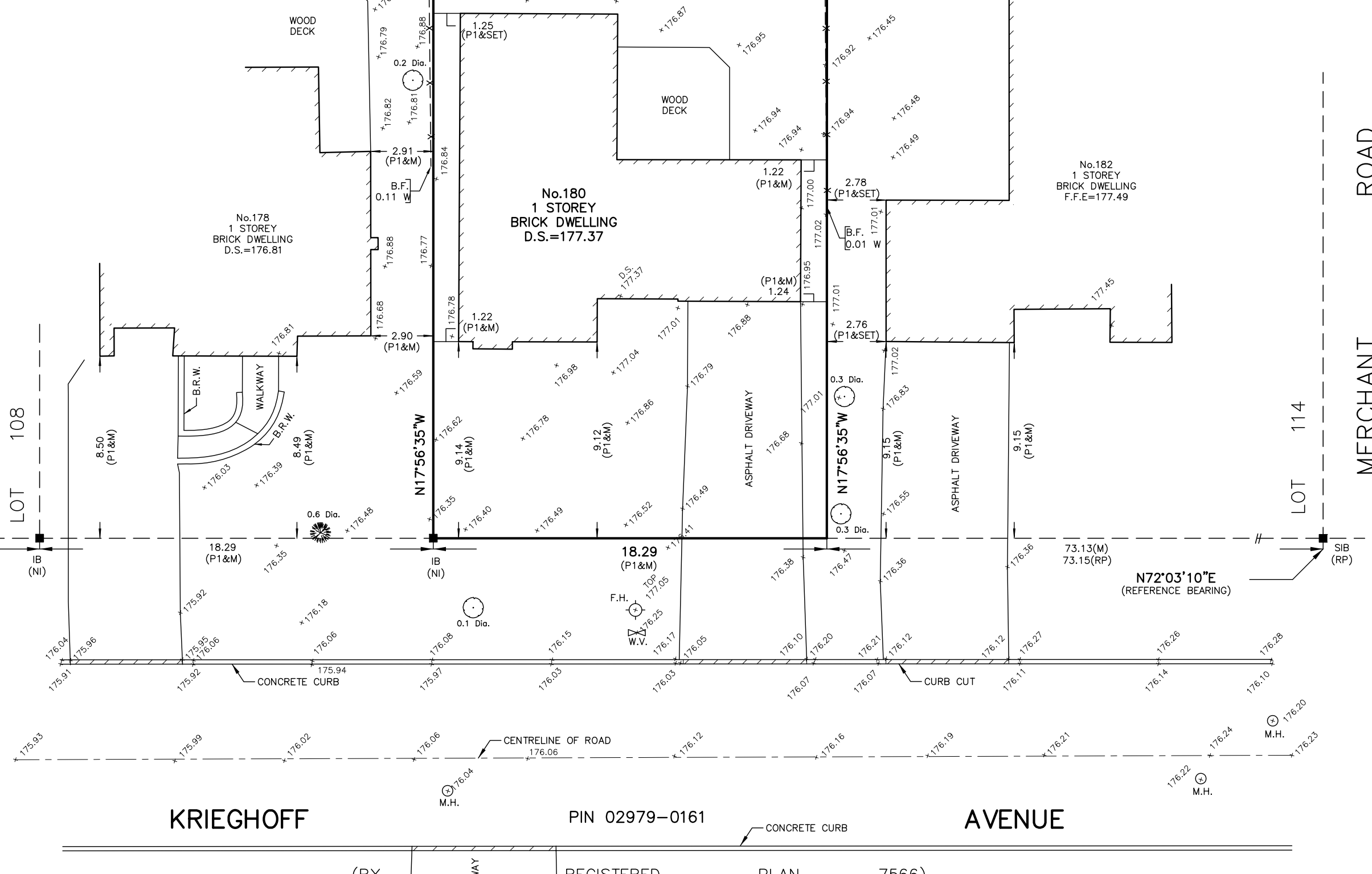


REGISTERED PLAN 7566

REGISTERED LOT 109  
 PIN 02979-0099

LOT 110  
 PIN 02979-0100(LT)

LOT 111  
 PIN 02979-0101



KRIEGHOFF AVENUE  
 (BY REGISTERED PLAN 7566)

**Appendix B**  
 SURVEYOR'S REAL PROPERTY REPORT  
 PART 1 - PLAN OF SURVEY OF  
 LOT 110  
 REGISTERED PLAN 7566  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK  
 File: 22.261276.000.00.MNV  
 Date: 01/12/23  
 MM/DD/YY



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 P. SALNA, O.L.S. DATE FEBRUARY 16, 1966
RP	DENOTES REGISTERED PLAN 7566
WIT	DENOTES WITNESS
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
B.F.	DENOTES BOARD FENCE
NI	DENOTES NOT IDENTIFIABLE
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
O.H.W.	DENOTES OVERHEAD WIRE
B.R.W.	DENOTES BRICK RETAINING WALL
⊙ <sub>u.p.</sub>	DENOTES UTILITY POLE
⊙ <sub>M.H.</sub>	DENOTES MANHOLE
⊗ <sub>w.v.</sub>	DENOTES WATER VALVE
■ <sub>c.b.</sub>	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 NORTHERLY OF KRIEGHOFF AVENUE AS SHOWN ON REGISTERED PLAN 7566 HAVING A BEARING OF N72° 03' 10"E.

**BENCHMARK NOTE**  
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.M-21-033 HAVING AN ELEVATION OF 173.536 M. BRASS TABLET IS LOCATED 0.20 M BELOW TOP OF HEADWALL, 1.10 M NORTH OF SOUTH EDGE OF HEADWALL, 5.24 M EAST OF THE CHAIN LINK FENCE, 10.5M SOUTH OF THE EDGE OF THE SIDEWALK, 110 M WEST OF MAIN STREET UNIONVILLE AND SOUTH OF FRED VARLEY DRIVE.

THIS REPORT WAS PREPARED FOR WANG, DAZHEN 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 MARKHAM HYDRO ELECTRIC COMMISSION AS SET OUT IN INST. No. MA56069 ASSIGNED BY R692069; SUBJECT TO EASEMENT IN FAVOR OF BELL CANADA AS SET OUT IN INST. No. MA56054
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, EASTERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY. NOTE THE LOCATION OF OVERHEAD WIRE.
- 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 10th DAY OF OCTOBER, 2021

OCTOBER 20, 2021  
 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: 21-448SRPR JOB No: 2021-448

ASSOCIATION OF ONTARIO LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 2172602

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

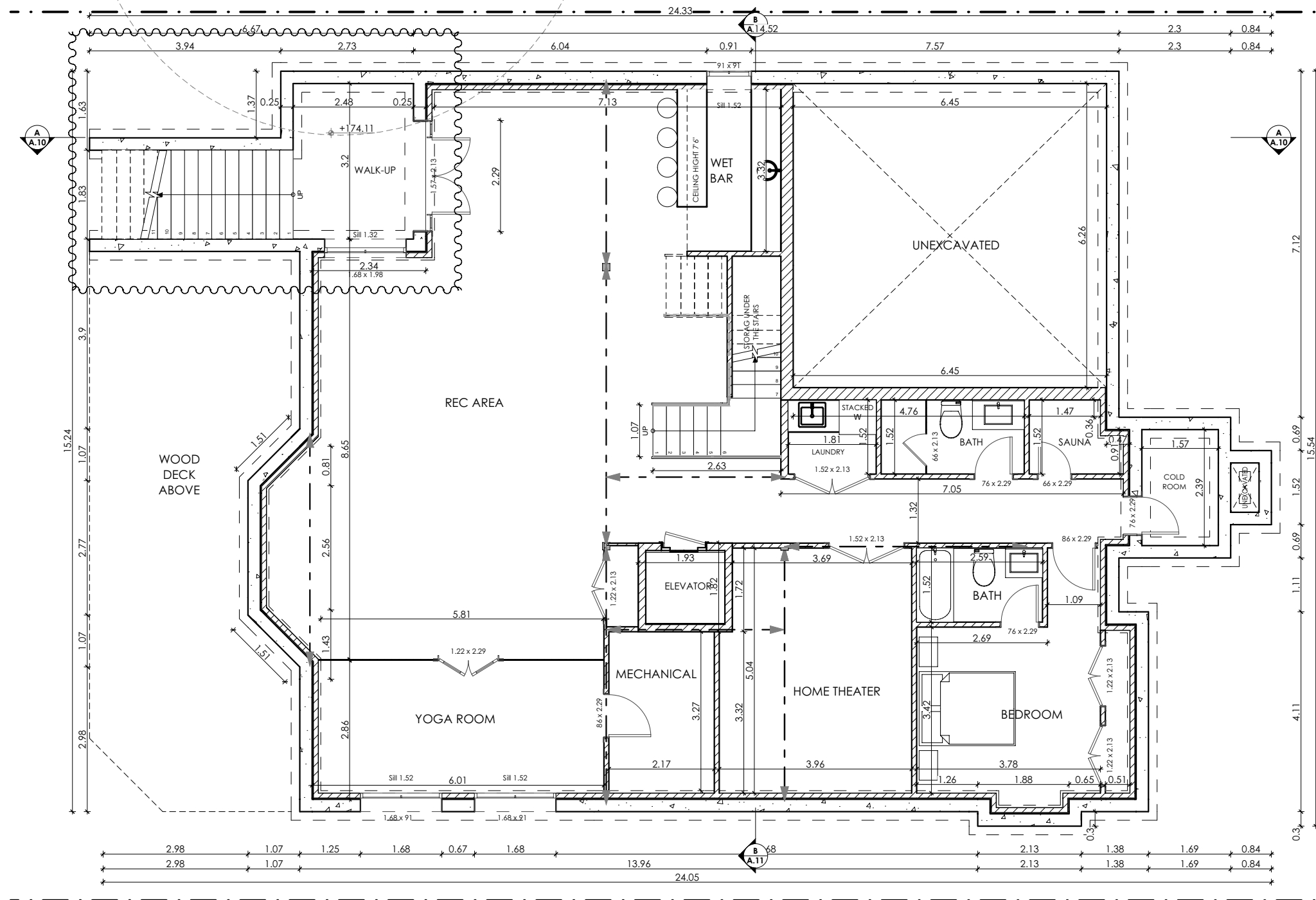




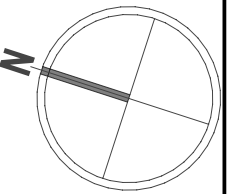
# Appendix B

File: 22.261276.000.00.MNV

Date: 01/12/23  
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NOTES:-



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
12/20/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:	CELLAR
PROJECT TITLE/ADDRESS:	180 Krieghoff Ave, Unionville, ON L3R 1W3

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DRAWN BY:	S.A.
CHKD BY:	M.A.

SCALE:	1:100
LAST MODIFIED ON:	Tuesday, December 20, 2022



"Memar Architects Inc."  
2323 Yonge St, Unit 503  
Toronto, ON, M4P 2C9  
T: 416-551-5764

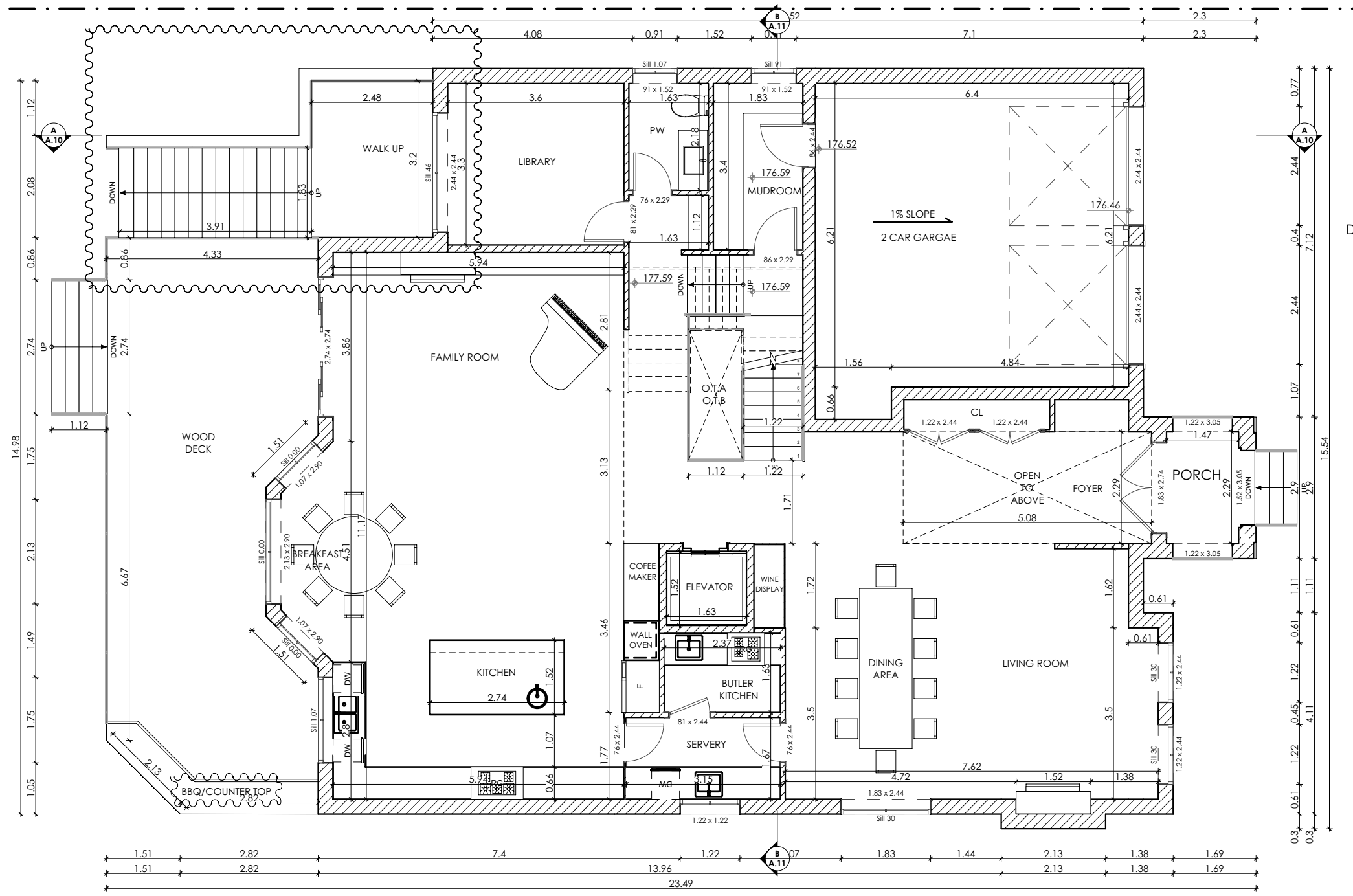


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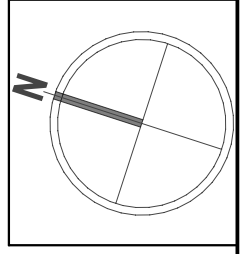
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DATE:	ISSUED FOR:
12/20/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:
<b>GROUND FLOOR</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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DRAWN BY:	SCALE:
S.A.	1:100
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M.A.	Tuesday, December 20, 2022



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T: 416-551-5764

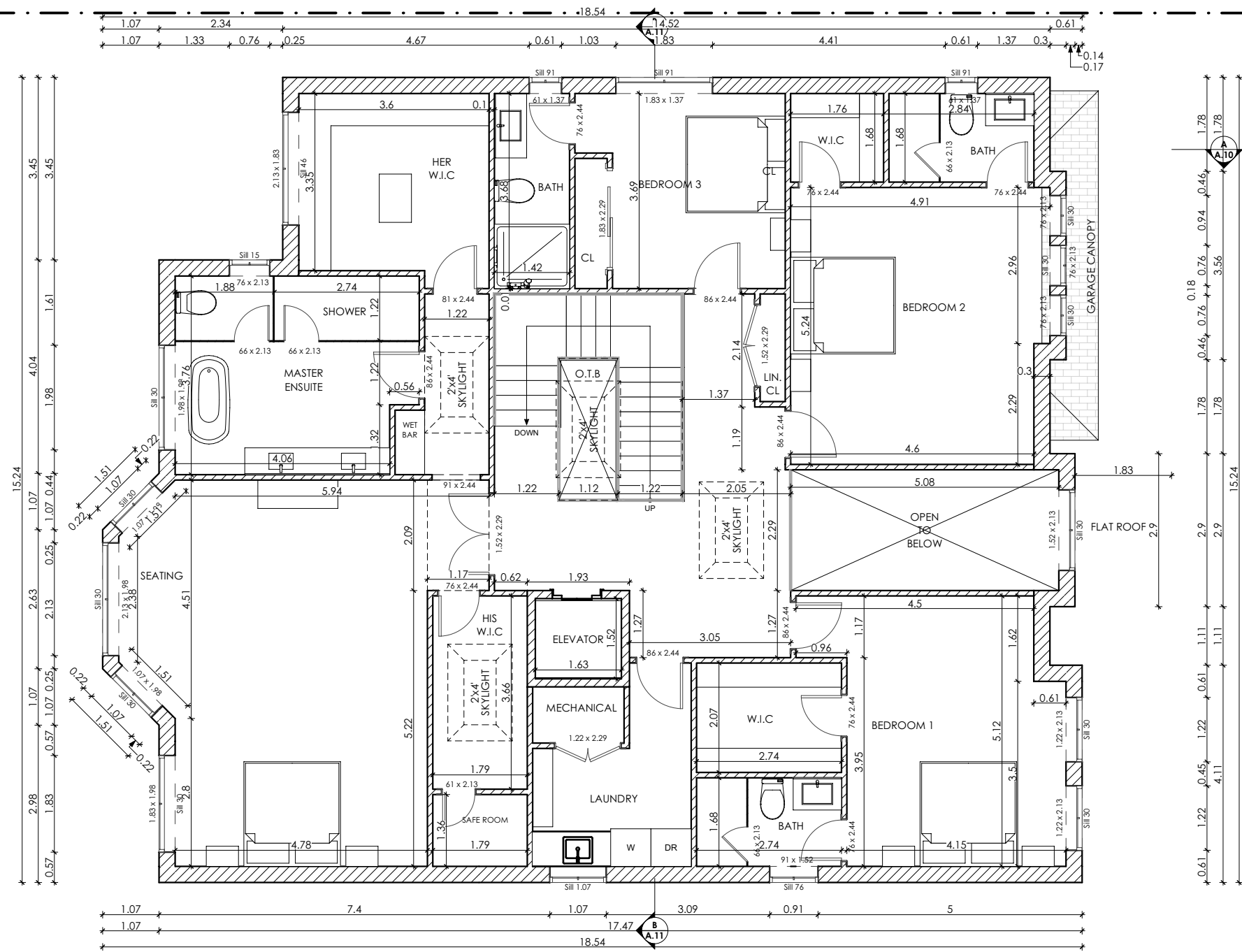


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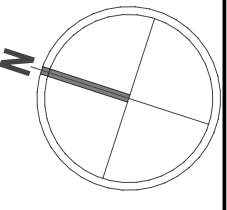
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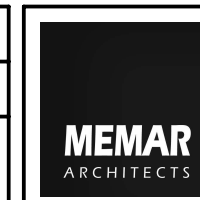
DATE:	ISSUED FOR:
10/11/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:
<b>SECOND FLOOR</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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S.A.
CHKD BY:
M.A.

SCALE:
<b>1:100</b>
LAST MODIFIED ON:
Tuesday, October 11, 2022



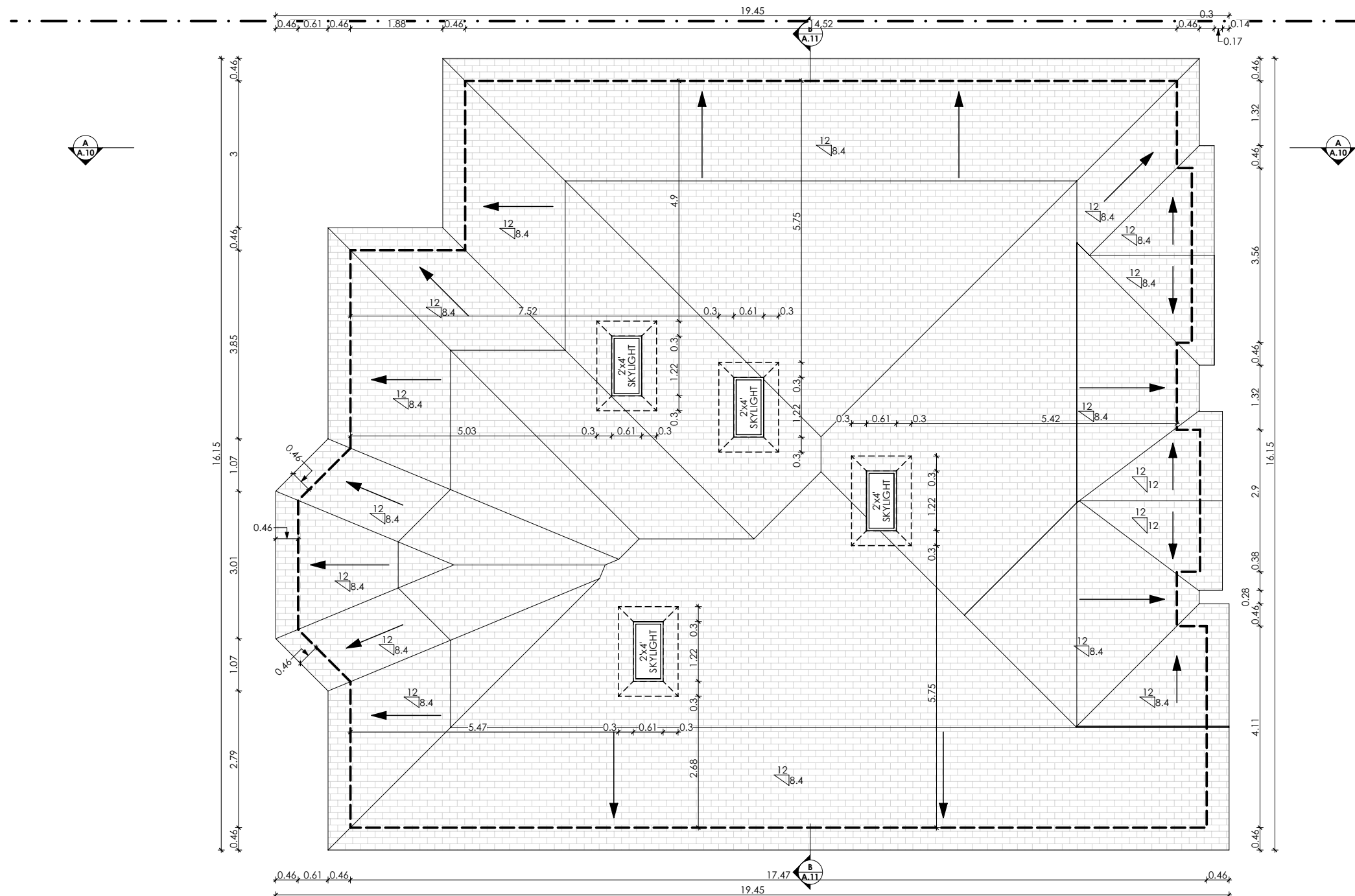
"Memar Architects Inc."  
2323 Yonge St, Unit 503  
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T: 416-551-5764

**A.04**

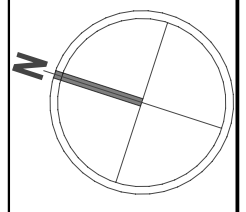
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MM/DD/YY



**NOTES:-**



**ROOF AREAS:-**  
**ROOF AREA: 289.55 m<sup>2</sup>**  
**FLAT: 136.71 (47.22%)**  
**SLOPED: 152.84 m<sup>2</sup> (52.78%)**

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10/11/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:	ROOF PLAN
PROJECT TITLE/ADDRESS:	180 Krieghoff Ave, Unionville, ON L3R 1W3

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CHKD BY:	M.A.
SCALE:	1:100
LAST MODIFIED ON:	Tuesday, October 11, 2022



"Memar Architects Inc."  
 2323 Yonge St, Unit 503  
 Toronto, ON, M4P 2C9  
 T: 416-551-5764

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**A.05**

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DATE:	ISSUED FOR:
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DRAWING TITLE:
<b>SOUTH ELEVATION</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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DRAWN BY:
S.A.
CHKD BY:
M.A.

SCALE:
<b>1:100</b>
LAST MODIFIED ON:
<b>Tuesday, October 11, 2022</b>



"Memar Architects Inc."  
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T: 416-551-5764

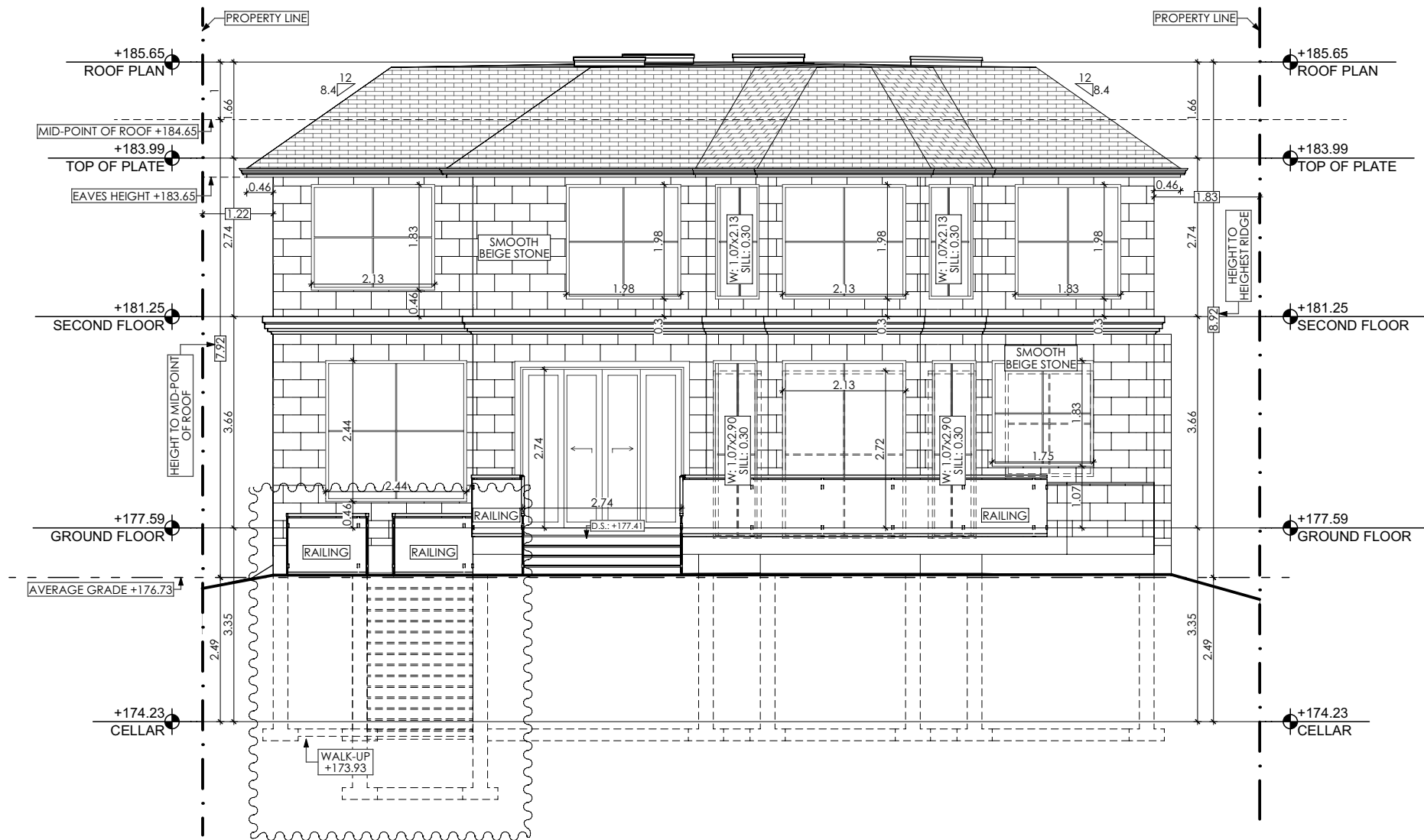
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DATE:	ISSUED FOR:
12/20/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:
<b>NORTH ELEVATION</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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DRAWN BY:	SCALE:
S.A.	1:100
CHKD BY:	LAST MODIFIED ON:
M.A.	Tuesday, December 20, 2022



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2323 Yonge St, Unit 503  
Toronto, ON, M4P 2C9  
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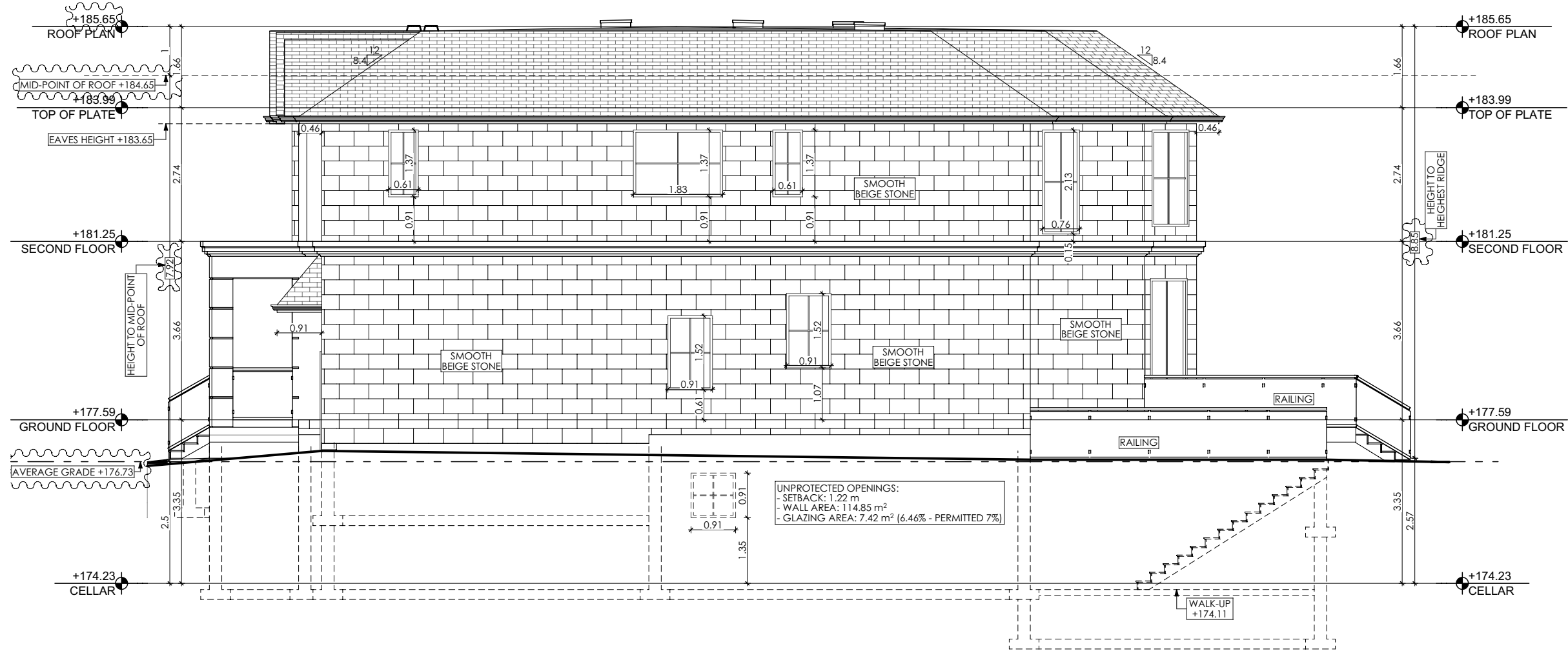


**A.07**

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## NOTES:-

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DATE:	ISSUED FOR:
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DRAWING TITLE:
<b>EAST ELEVATION</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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DRAWN BY:
S.A.
CHKD BY:
M.A.

SCALE:
<b>1:100</b>
LAST MODIFIED ON:
Tuesday, October 11, 2022



"Memar Architects Inc."  
2323 Yonge St, Unit 503  
Toronto, ON, M4P 2C9  
T: 416-551-5764

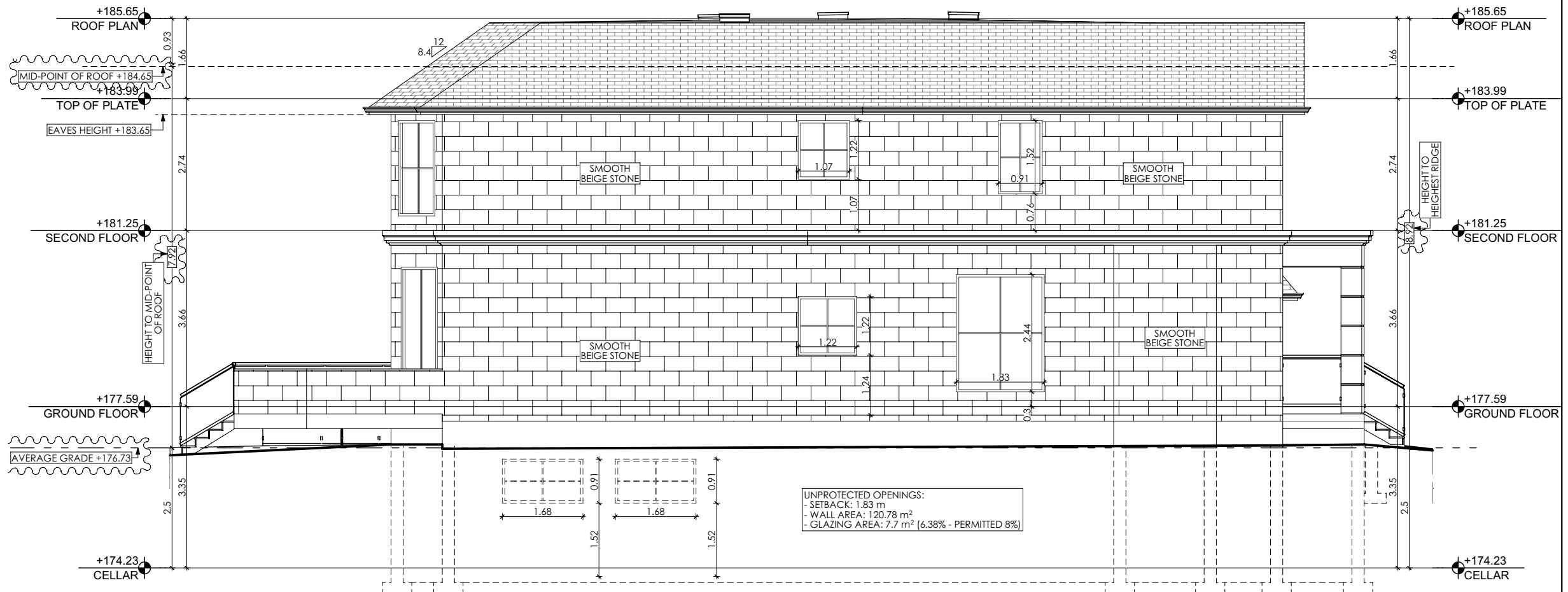
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**A.08**

# Appendix B

File: 22.261276.000.00.MNV

Date: 01/12/23  
MM/DD/YY



**NOTES:-**

ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
10/11/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:
<b>WEST ELEVATION</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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M.A.

SCALE:
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Toronto, ON, M4P 2C9  
T: 416-551-5764

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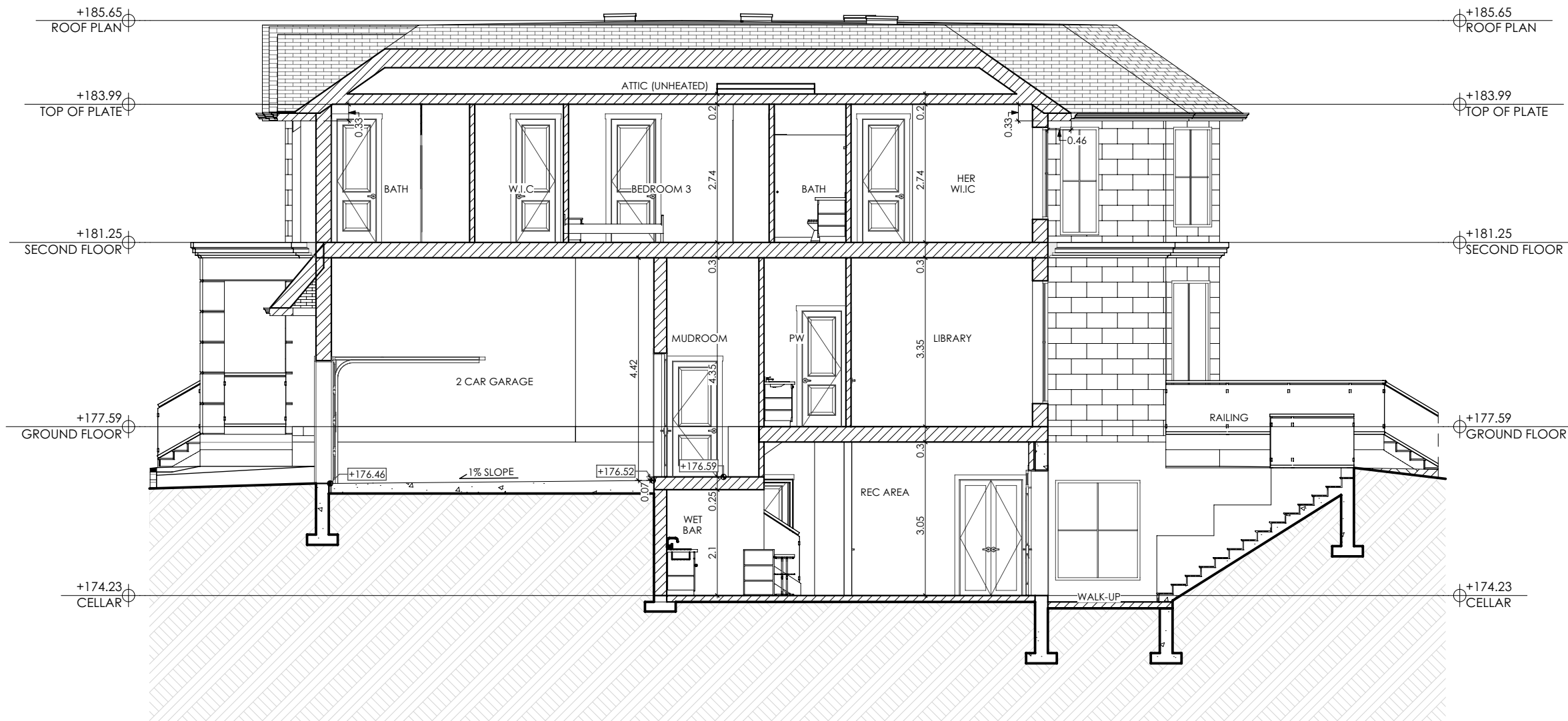
**A.09**



# Appendix B

File: 22.261276.000.00.MNV

Date: 01/12/23  
MM/DD/YY



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DATE:	ISSUED FOR:
10/11/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:
<b>SECTION A:A</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>

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DRAWN BY:	SCALE:
S.A.	1:100
CHKD BY:	LAST MODIFIED ON:
M.A.	Tuesday, October 11, 2022



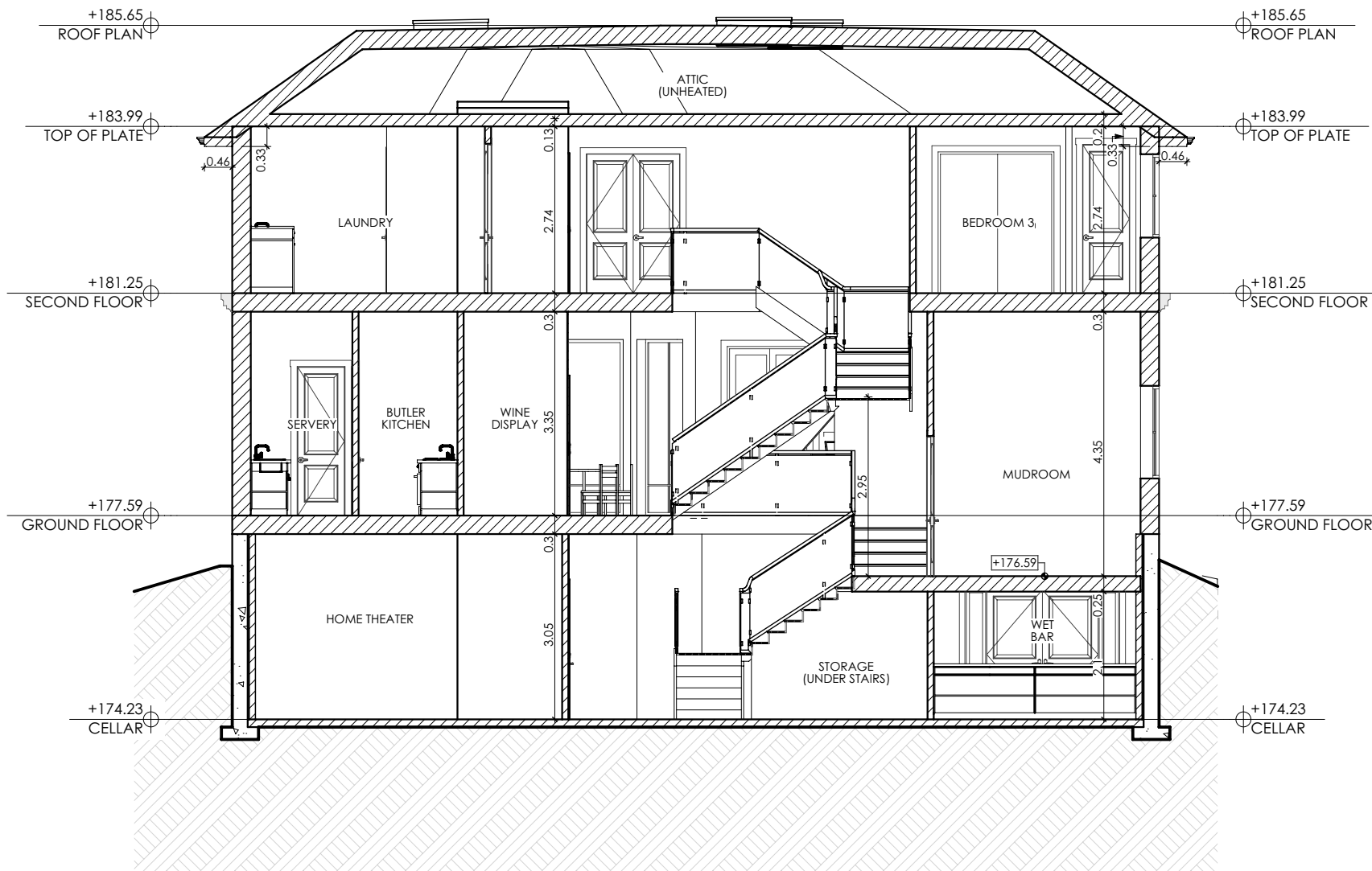
"Memar Architects Inc."  
2323 Yonge St, Unit 503  
Toronto, ON, M4P 2C9  
T: 416-551-5764

**A.10**

# Appendix B

File: 22.261276.000.00.MNV

Date: 01/12/23  
MM/DD/YY



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DATE:	ISSUED FOR:
10/11/2022	ZONING REVIEW APPLICATION

DRAWING TITLE:
<b>SECTION B:B</b>
PROJECT TITLE/ADDRESS:
<b>180 Krieghoff Ave, Unionville, ON L3R 1W3</b>


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M.A.

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<b>1:100</b>
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Toronto, ON, M4P 2C9  
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**A.11**

## **Appendix “C” – A/120/22 Conditions of Approval**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/120/22**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or 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;
4. 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; and
5. 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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Deanna Schlosser, MCIP RPP, Senior Planner, Central District