

# Memorandum to the City of Markham Committee of Adjustment

July 18, 2019

**File:** A/60/19  
**Address:** 10 Talisman Crescent, Markham  
**Applicant:** Faraz Mohammed & Lisaan Mohammed  
**Agent:** Jennifer Scholes Architect Inc.  
**Hearing Date:** Wednesday July 24, 2019

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

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling on the subject property:

- a) **Infill By-law 99-90, Section 1.2 (iii):**  
a maximum building depth of 19.8 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- b) **Infill By-law 99-90, Section 1.2 (vi):**  
a maximum Net Floor Area Ratio of 50.63 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;
- c) **Section 11.2 (c) (i):**  
a maximum eave overhang encroachment of 30 inches into a required yard, whereas the By-law permits a maximum eave overhang of 18 inches into a required yard.

## BACKGROUND

### Property Description

The 721.1 m<sup>2</sup> (7761.8 ft<sup>2</sup>) subject property is located on the north side of Talisman Crescent, which is east of Main Street Markham North and north of Ramona Boulevard. The property is within an established residential neighbourhood comprised of one and two-storey detached dwellings. There is an existing two-storey detached 202.9 m<sup>2</sup> (2184 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1956. Mature vegetation exists across the property.

### Proposal

The applicant is proposing to demolish the existing dwelling and construct a new two-storey detached on the subject property. The proposed dwelling has total gross floor area of 337.78 m<sup>2</sup> (3635.74 ft<sup>2</sup>). Vehicle access is proposed via a driveway to Talisman Crescent, with parking provided in a two-car covered car port in front of the dwelling. The plans submitted in support of this application show a finished basement, where the rear portion of the basement is deeper into the ground to accommodate a gym. A covered patio area along the rear of the dwelling is also proposed. The submitted plans are attached as Appendix 'A'.

### Official Plan and Zoning

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

The subject property is designated "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 the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the

site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, including variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

#### Zoning By-Law 1229

The subject property is zoned 'Residential' (R1) under By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to maximum eave overhang encroachment.

#### Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure that the built form of new residential development will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building depth and maximum Net Floor Area (NFA) Ratio.

#### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, "There are several factors why it is not possible to comply with the applicable by-laws.

*Firstly, the home will be wheelchair accessible with an elevator and front door ramp. This also requires more width for hallways, washrooms and doorways which contribute to the Floor Area Ratio but is not increasing liveable space. The double sloped roof style attempts to minimize the massing as opposed to the typical Mansard roof of various other new builds in the area. There is no height variance being proposed. The additional 12 inches of eave overhang however, is an important element of the architectural design that aims to help create a diversity of building styles in the neighbourhood.*

*Secondly, the structure of the home will consist of environmentally-friendly construction methods with the intention of creating a lower carbon footprint vs. a traditional wood frame structure. The sustainable product ICF (insulated concrete forms) will be used for all levels of the dwelling. ICF has proven benefits of a higher R-value leading to 70% less energy consumption, airtight walls reducing allergens, less construction waste and a faster, quieter build vs wood-frame structure. ICF walls are 50% thicker than traditional wood framing, which leads to a greater net floor area ratio. We have calculated this additional floor area as 17.8 square metres (192 square feet) of additional wall thickness which in effect has added 2.7% to the net Floor Area Ratio, which is currently at 50.6%. New construction and renovations on the street has ranged from 49.4% (A/56/17) to 53.6% (A/150/14) and in the nearby neighbourhood 50.7% (A/53/19), 51.5% (A/49/19), 51.7% (A107/18). Although not to be used as a precedent, these projects do show that the area is transitioning with several new builds starting this year.*

*In addition to using environmentally-friendly construction techniques, the project aims to be a Net Zero home and will use technology to reduce utilities needed from the municipality. Photovoltaic (solar) roof panels will be installed to reduce energy needed from the electrical grid and why the design of the roof is important to maximize south facing exposure. Also, a geothermal heating and cooling system which uses energy from the earth below will reduce the need for natural gas-powered furnaces and air conditioning units. Rainwater collection barrels will be used for lawn*

*watering and smart windows will be installed to minimize heat and cold air losses. The goal would be to generate as much power as the house uses (Net Zero) further reducing the future carbon footprint and greenhouse gas emissions to achieve the target of the Federal Government's "net-zero energy ready" goal by 2030.*

*The total depth of 19.8 metres includes a covered car port that is 6.1 metres deep. Excluding the covered car port, the maximum building depth would be 17.2 metres where the by-law's maximum allowable depth is 16.8 metres.*

*Overall, the building maintains the front and rear yard setbacks and the width of the house was reduced to comply with the minimum side yard setback requirements of 1.8 metres (6 feet) on both sides. Therefore, the proposed dwelling is within the building envelope and it is our hope that you will determine that it meets the general intent of the by-law.*

*Thank you for considering this application."*

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

The applicant had completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. Initially the applicant proposed a larger home, and had requested variances to permit a net floor area ratio variance of 53.8% and maximum building depth of 21.1 m. The applicant had also proposed a variance to permit a wider driveway of 6.71 m but has revised their proposal to comply with the By-law. Staff had concerns with the original proposal and met with the applicant to discuss revisions to reduce the proposed floor area ratio and building depth initially proposed.

The applicant subsequently submitted revised drawings on July 4, 2019, but did not submit a second Zoning Preliminary Review for the revision. Ultimately it is the owner'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;
- d) The general intent and purpose of the Official Plan must be maintained.

### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 19.8 m (64.96 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of 3.0 m (9.84 ft).

Building depth is measured from the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling nearest and the other through the point on the dwelling farthest from the front lot line.

The proposed building depth includes the enclosed underground portions of the building under the rear covered porch, and the carport at the front. These features add approximately 2.56 m (8.39 ft) to the overall depth of the building in the front yard and approximately 3.05 m (10.01 ft) to the overall depth of the building in the rear yard.

The main component of the building, excluding the basement and the carport, has a depth of 16.66 m (54.66 ft) which complies with the by-law requirement. Given that the required building setbacks are maintained and that the depth variance is attributable to the underground portion of the dwelling, staff are of the opinion that the variance request is appropriate for the development.

#### **Increase in Maximum Floor Area Ratio**

The applicant is requesting relief to permit a floor area ratio of 50.63 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 337.78 m<sup>2</sup> (3635.74 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 300.20 m<sup>2</sup> (3,231.27 ft<sup>2</sup>). This represents an increase of approximately 37.58 m<sup>2</sup> (404.47 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measure of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs) and carports or covered porches that are unenclosed.

Although the proposed dwelling is larger than existing dwellings originally developed in the 1950s-1960s, the building meets the front, side, and rear yard setbacks, as well as the maximum lot coverage for the zone that establish the prescribed building envelope. While enclosed portions of the proposed dwelling will be comparable in size with other infill development in the neighbourhood, the unenclosed carport represents an additional area of approximately 40.1 m<sup>2</sup> (439.9 ft<sup>2</sup>). The by-law does not specifically prohibit carports; however should the carport be enclosed it would be considered a garage which is included in the total NFA. Enclosure of the carport to a garage would represent a total floor area ratio of approximately 56.8 percent, which would be a concern to staff, as it would result in a dwelling that does not maintain the character of the surrounding area or the intent of the zoning by-law. Any potential enclosure of the carport into a garage will require a future variance application which would be assessed on its own individual merits at that time. Should Committee consider the proposed floor area ratio variance as proposed, staff recommend a condition that the carport remain unenclosed.

#### **Increase in Maximum Eaves/roofed Encroachment**

The applicant is requesting a maximum eaves encroachment of 30 in (0.76 m) into a required yard, whereas the By-law permits a maximum eaves encroachment of 18 in (0.46 m). Given that the proposed dwelling will maintain the required front, rear and side yard setbacks, staff have no objections to this requested variance.

#### **Basement Height and High Water Table within Surrounding Area**

Through the variance review process, concerns were raised in the surrounding community with respect to flooding, and that the proposed basement where a portion is deeper in the ground than a typical basement could be of an impact.

Planning staff subsequently followed up with Water Works Department, which confirmed that there are concerns with respect to having deep basements in areas with high water tables and they could impact surrounding properties.

While staff acknowledge this could be a concern, the proposed basement height is not the subject of the variances being considered through this application. The applicant should be made aware that notwithstanding any approval of this variance application, they will be required to obtain engineering grading approval as well as address any technical requirements for the deeper basement at the building permit stage.

**EXTERNAL AGENCIES**

Metrolinx

Metrolinx provided comments in an email correspondence dated July 17<sup>th</sup>, 2019 (Appendix ‘B’), indicating that they did not object to the application, subject to the following conditions:

- Submission of a letter of intent stipulating that the owner will insert a warning clause into any development agreements, offers to purchase and agreements of Purchase and Sale for the subject lands, regarding the potential expansion or alterations to rail facilities within 300 m of the site; and,
- That the owner is required to enter into an environmental easement with Metrolinx for operational emissions, to be registered on title.

Staff note that a development or site plan agreement with the City is not required for the proposed development on the subject lands. Staff recommend that any decision to approve the variance be conditional upon the Owner corresponding with Metrolinx with respect to conditions provided in Appendix ‘C’.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of July 18, 2019. 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 for depth and eave encroachment meets the four tests of the Planning Act and have no objection, however Staff do not support the proposed increase in NFA. 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 “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects

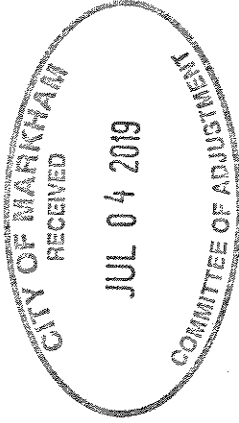
REVIEWED BY:



Stephen Corr, Senior Planner, East District

TALISMAN RESIDENCE  
10 TALISMAN CRESCENT  
MARKHAM ONTARIO

ISSUED FOR: COMMITTEE OF ADJUSTMENT REVISED  
DATE: 3 JULY 2019



DRAWING LIST

- A000 DRAWING LIST
- A100 ZONING INFORMATION
- A101 SITE PLAN, PROPOSED
- A1B10 SITE PLAN, DEMOLITION
- A1D11 LANDSCAPE PLAN, PROPOSED
- A200-1 BASEMENT FLOOR PLAN LOWER LEVEL, PROPOSED
- A200-2 BASEMENT FLOOR PLAN UPPER LEVEL, PROPOSED
- A201 GROUND FLOOR PLAN, PROPOSED
- A202 SECOND FLOOR PLAN, PROPOSED
- A401 EAST ELEVATION, PROPOSED
- A402 SOUTH ELEVATION, PROPOSED
- A403 WEST ELEVATION, PROPOSED
- A404 NORTH ELEVATION, PROPOSED
- A501 SECTION, PROPOSED
- A502 SECTION, PROPOSED
- A503 SECTION, PROPOSED

Committee of Adjustment Request  
Committee of Adjustment Report  
City of Markham  
Zoning By-law Amendment  
Project Number  
Date

1 MAY 2019  
22 June 2019  
23 June 2019  
1 July 2019  
18 July 2019  
December 2019

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67 799 2593  
jpa@jenscholesarchitect.com



Talisman Residence  
10 Talisman Crescent  
Markham Ontario L3P 2E1  
Project No: 1809741  
Drawn by: JS  
Reviewed by: JS  
Scale: As Noted

DRAWING LIST

A000

ZONING INFORMATION

MARHAM ZONING: SEARCH NUMBER: **12 0051 00**  
 CONTACT: JANELLE BAUDWIN, MARHAM CITY HALL 101 TOYN CENTRE BLVD, MARHAM, L3R 9W3  
 MARHAM: R1-RESIDENTIAL UNDER BY-LAW 1229 AS AMENDED BY 99-90 ZONE REQUIREMENTS FOR IN-ILL HOUSING

	ALLOWABLE		PROPOSED	
	METRIC	IMPERIAL	METRIC	IMPERIAL
MP1 LOT AREA:	813.16 3M	6460 SF	721.1 3M	7781.8 SF
NET LOT AREA:	667.1 3M	7180.9 SF	667.1 3M	7180.9 SF
FRONTAGE:	18.3 M	60 FT	18.3 M	60 FT
MAXIMUM COVERAGE:	235.5 3M (231.3 3M)	33% OF NET AREA	243.4 3M	33.8% OF ACTUAL LOT AREA
MAXIMUM NET FLOOR AREA RATIO				
BASEMENT FLOOR: (NOT INCLUDED IN GFA)				
LEVEL 1 AND LEVEL 2 COMBINED				
GROUND FLOOR (excluding carport):				
SECOND FLOOR:				
TOTAL GFA:	302.3 3M (231.4 3M)	45%	337.78 3M	50.83% OF ACTUAL LOT AREA

MP1 LOT AREA: 6460 SF  
 ACTUAL LOT AREA: 7781.8 SF  
 NET LOT AREA: 7180.9 SF  
 FRONTAGE: 60 FT  
 DIFFERENCE BETWEEN ACTUAL AND MP1 AREA:  
 318.8 3M (74' 5.81 FT)

MINIMUM YARDS:	MINIMUM YARDS:	MINIMUM YARDS:	MINIMUM YARDS:
FRONT: (EAST)	7.62 M	25 FT	7.66 M
FRONT: (WEST)	1.83 M	6 FT	1.83 M
SIDE: (EAST)	1.83 M	6 FT	1.85 M
SIDE: (WEST)	7.42 M	25 FT	11.94 M
MAXIMUM NUMBER OF STOREYS:		2	2
MAXIMUM BUILDING HEIGHT: (FROM CROWN OF STREET TO TOP OF PEAK)	9.8 M	32 FT 3/4"	9.8 M
MAXIMUM BUILDING HEIGHT: (FLAT ROOF (FROM CROWN OF STREET))	8.0 M	26 FT 3"	8.0 M
MAXIMUM BUILDING DEPTH INCLUDING BASEMENT:	16.8 M	55 FT 1/2"	19.83 M
MAXIMUM GARAGE PROJECTION (FROM FRONT WALL)	2.1 M	6 FT 10 5/8"	2.08 M
MAXIMUM GARAGE WIDTH (FRONTAGE LESS THAN 18.3 M)	7.3 M	25 FT 3 1/8"	4.57 M
MINIMUM DWELLING UNIT FLOOR AREA	111.5 3M	1200 SF	375.6 3M


ACCESSORY BUILDING REQUIREMENTS	ACCESSORY BUILDING REQUIREMENTS
MAXIMUM HEIGHT (MEASUREMENT FROM TOP OF SLOPED ROOF TO TOP OF FLAT ROOF) - M11Z (C)	
MUST NOT BE LOCATED IN FRONT OR REAR YARD UNLESS FOR PARKING	
MAXIMUM AREA: 10% OF LOT AREA	72.1 3M (774.2 SF)
TO BE BUILT AFTER MAIN HOUSE	
SETBACKS FROM ALL LOT LINES	4.0 FT
SETBACKS FROM LANEWAY	0 FT
PERMITTED PROJECTIONS	
UNENCLOSED PORCHES	
SCREENED ENCLOSURES AND STEPS	
SCREENED ENCLOSURES, LABEL CUTTERS, CHIMNEY BRACKETS, BRACKETS, HAY	
PROJECT A DISTANCE OF NOT MORE THAN EIGHT METERS INTO A REQUIRED YARD	
FROM YARD LOT LANDSCAPING CALCULATIONS: REFER TO DWG. A101L	

**1** ZONING INFORMATION  
 SCALE: 1/8" = 1'-0"

3 July 2019  
 21 June 2019  
 21 June 2019  
 13 June 2019  
 15 April 2019  
 15 April 2019  
 6 March 2019  
 21 October 2018  
 14 December 2018  
 Date

Committee of Adjustment Petition  
 Committee of Adjustment Petition  
 Committee of Adjustment Petition  
 Committee of Adjustment Petition  
 Zoning Review  
 Zoning Review  
 Review  
 Review  
 First Review

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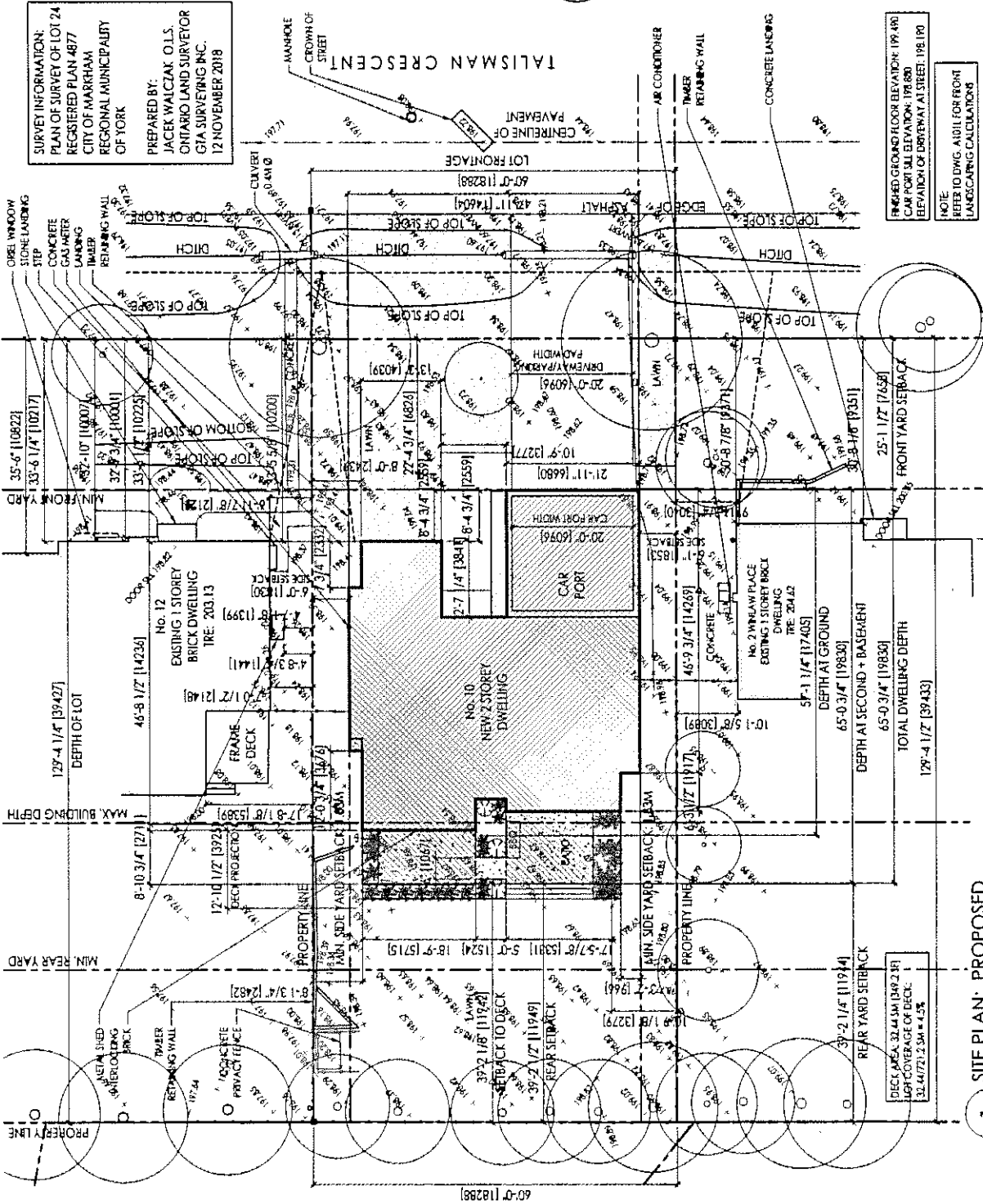


**Tailsman Residence**  
 10 Tailsman Crescent  
 Markham, Ontario L3P 2E1

Project No.: 1807AJJ  
 Drawn by: JS  
 Reviewed by: JS  
 Scale: As Noted

**ZONING INFORMATION**

**A100**



**SURVEY INFORMATION:**  
 PLAN OF SURVEY OF LOT 24  
 REGISTERED PLAN 4877  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY  
 OF YORK

**PREPARED BY:**  
 JACEK WALCZYK O.L.S.  
 ONTARIO LAND SURVEYOR  
 GTA SURVEYING INC.  
 12 NOVEMBER 2018

**PREPARED BY:**  
 3 July 2018  
 23 June 2018  
 23 June 2018  
 13 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018  
 15 June 2018

**Prepared by:**  
 Jennifer Scholes architect Inc.  
 61 Washburn Road  
 Toronto Ontario M8A 3S1  
 416 966 8551  
 jenscholesarchitect.com

**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1

**Project No.:** 1803/ALU  
**Drawn by:** JG  
**Reviewed by:** AS  
**Scale:** As Noted

**SITE PLAN  
 PROPOSED**

**A101**

**1 SITE PLAN: PROPOSED**  
 SCALE 1/16" = 1'-0"

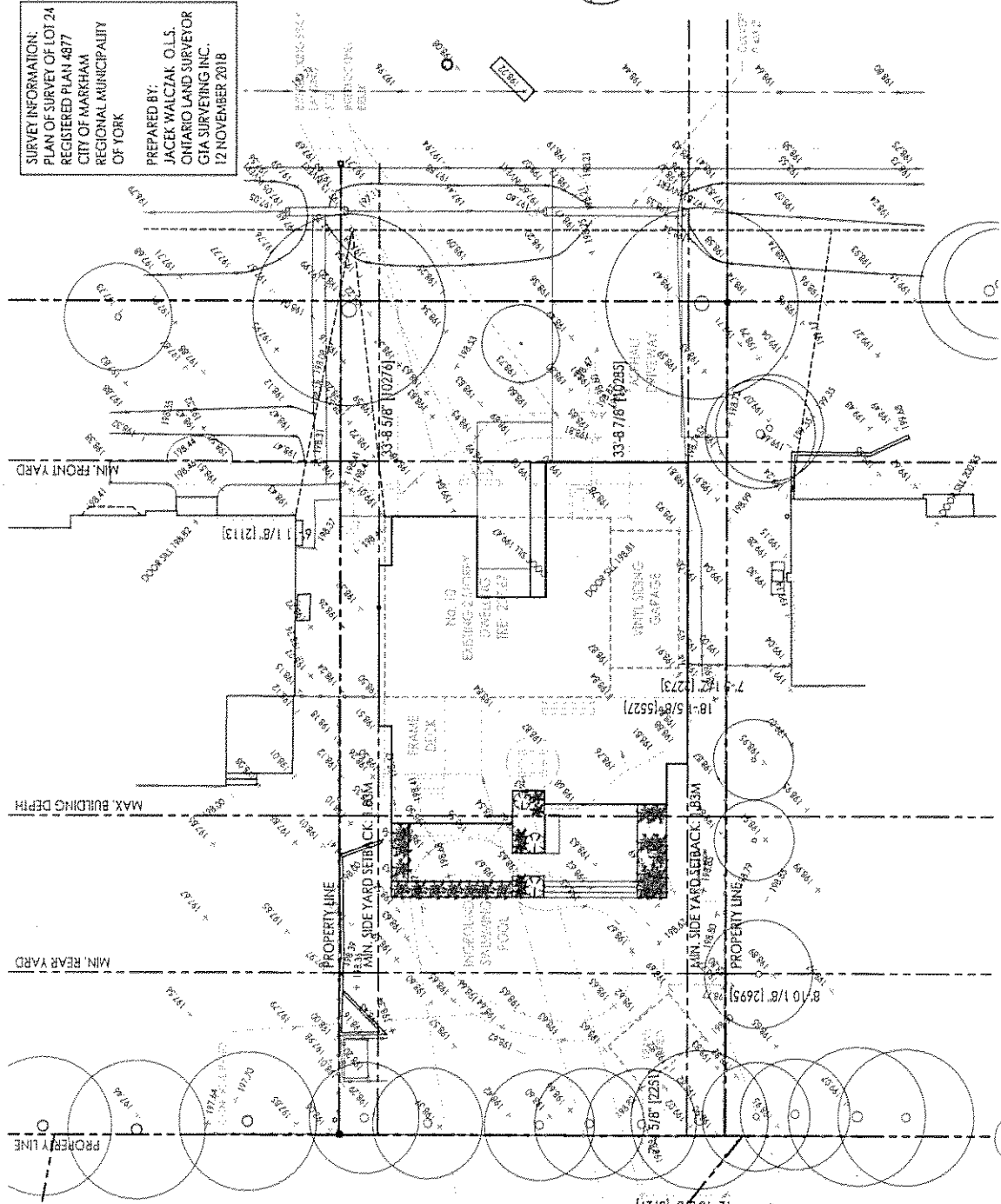
**NOTE:**  
 REFER TO DWG. A101 FOR FRONT  
 LANDSCAPING CALCULATIONS





**SURVEY INFORMATION:**  
 PLAN OF SURVEY OF LOT 24  
 REGISTERED PLAN 4877  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY  
 OF YORK

**PREPARED BY:**  
 JACEK WALCZAK, O.L.S.  
 ONTARIO LAND SURVEYOR  
 GIA SURVEYING INC.  
 12 NOVEMBER 2018



**1 SITE PLAN: DEMOLITION**  
 SCALE 1/16" = 1'-0"

Commission of Adjustment (Revised)  
 23 July 2019  
 Commission of Adjustment (Revised)  
 23 June 2019  
 Commission of Adjustment (Revised)  
 15 June 2019  
 Commission of Adjustment (Revised)  
 15 April 2019  
 Zoning Review  
 15 April 2019  
 Issued for Planning  
 11 February 2019  
 Review  
 11 December 2018  
 Date  
 11 May

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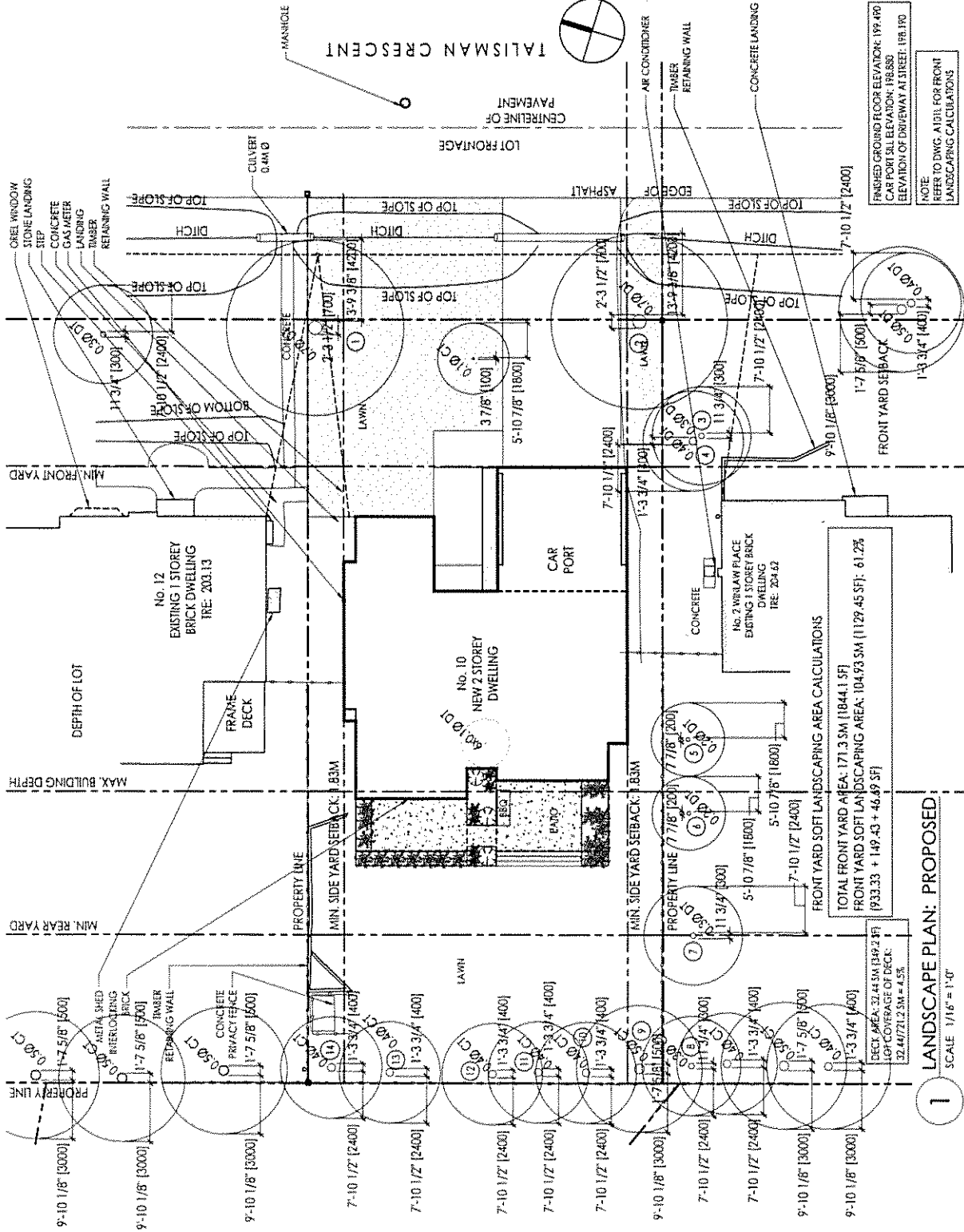
**Professional Association of Architects**  
 100 King Street West  
 Toronto, Ontario M5X 1C5  
 416-963-3333  
 www.paa.ca

**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1

Project No: 180274U  
 Drawn by: JS  
 Reviewed by: JS  
 Scale: As Issued

**SITE PLAN  
 DEMOLITION**

**A101D**



**LANDSCAPE PLAN: PROPOSED**  
SCALE 1/16" = 1'-0"

TOTAL FRONT YARD AREA: 171.3 SM (1844.1 SF)  
FRONT YARD SOFT LANDSCAPING AREA: 104.93 SM (1129.45 SF)  
61.2% (933.33 + 149.43 + 46.69 SF)

FINISHED GROUND FLOOR ELEVATION: 199.490  
CAR PORT SILL ELEVATION: 198.680  
ELEVATION OF DRIVEWAY AT STREET: 199.190

NOTE:  
REFER TO DWG. A101L FOR FRONT  
LANDSCAPING CALCULATIONS

**A101L**

**LANDSCAPE PLAN  
PROPOSED**

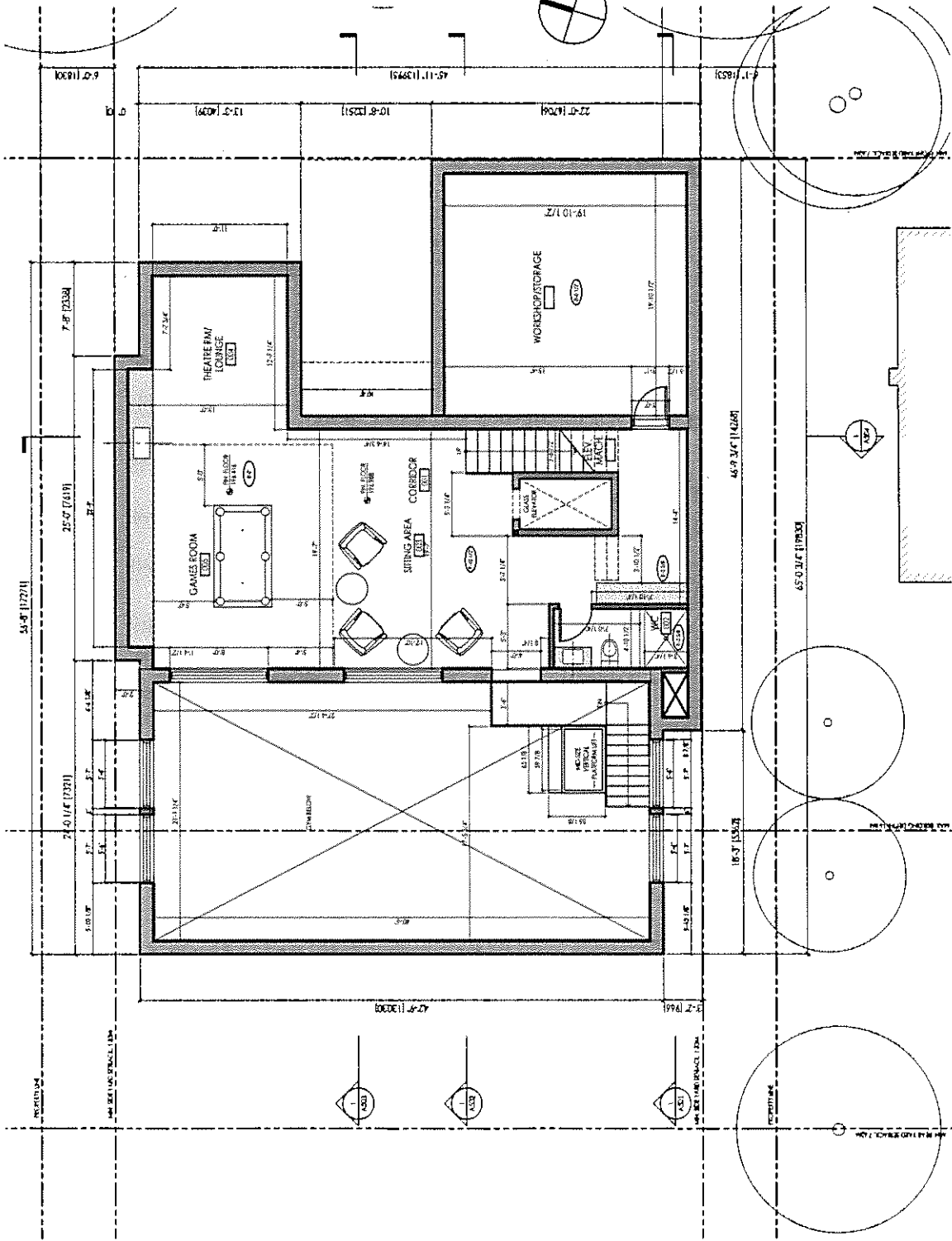
**Tallisman Residence**  
10 Tallisman Crescent  
Markham Ontario L3P 2E1

Project No.: 160874U  
Drawn By: JS  
Reviewed By: JS  
Scale: As Noted

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3 July 2019  
20 June 2019  
19 June 2019  
13 June 2019  
13 May 2019  
15 February 2019  
11 December 2018  
11 December 2018  
11 December 2018  
Date





3 July 2019  
 20 July 2019  
 26 July 2019  
 30 July 2019  
 14 Aug 2019  
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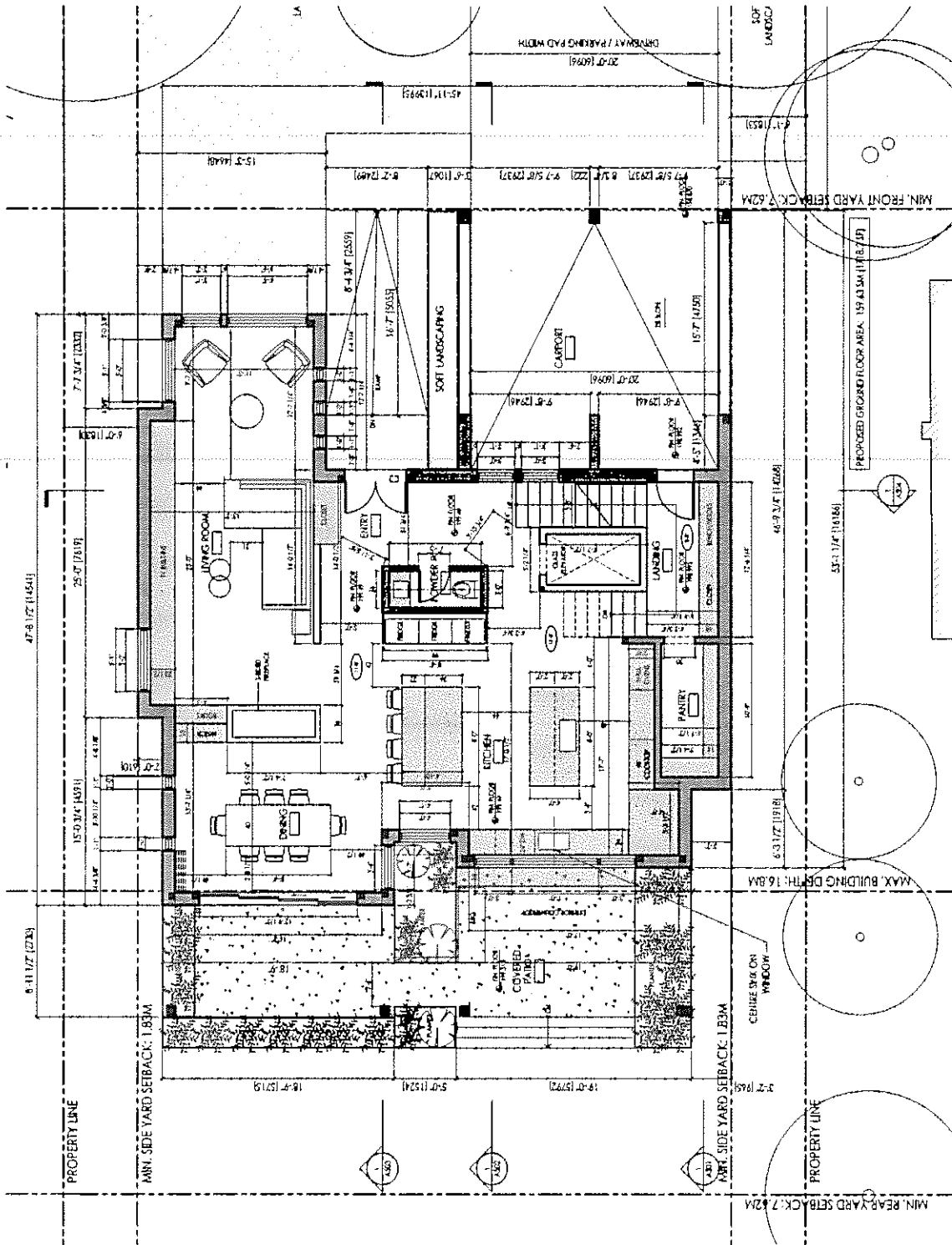
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**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1  
 Project No: W00740  
 Drawn By: JS  
 Reviewed By: JS  
 Scale: As Noted

**BASEMENT FLOOR PLAN  
 UPPER LEVEL  
 PROPOSED**

**A200.2**

**1 BASEMENT FLOOR PLAN UPPER LEVEL: PROPOSED**  
 SCALE 1/8" = 1'-0"



Jennifer scholtes architect inc.  
 10 Tullaghan Road  
 Markham, Ontario L3P 2E1  
 Tel: (905) 477-1234  
 Fax: (905) 477-1234  
 www.jenniferarchitect.com

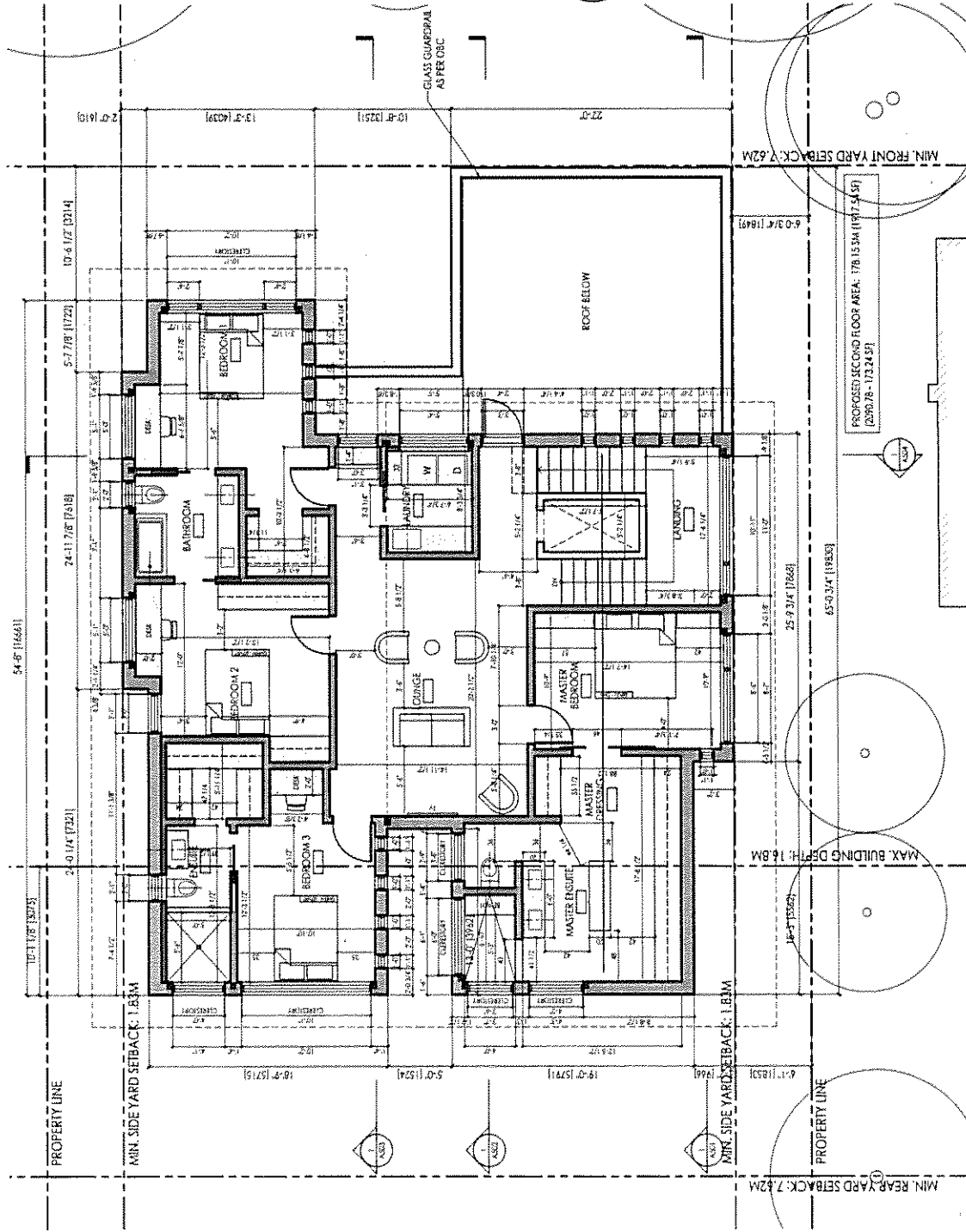
Jennifer scholtes architect inc.  
 10 Tullaghan Road  
 Markham, Ontario L3P 2E1  
 Tel: (905) 477-1234  
 Fax: (905) 477-1234  
 www.jenniferarchitect.com

**Tallman Residence**  
 10 Tullaghan Road  
 Markham, Ontario L3P 2E1  
 Project No.: 18087AU  
 Drawn by: JG  
 Reviewed by: AJ  
 Scale: As Shown

**GROUND FLOOR PLAN  
 PROPOSED**

**A201**

**1 GROUND FLOOR PLAN: PROPOSED**  
 SCALE: 1/8" = 1'-0"



1 SECOND FLOOR PLAN: PROPOSED  
SCALE 1/8" = 1'-0"

Committee of Adjustment Review  
 17 July 2019  
 Committee of Adjustment Review  
 23 June 2019  
 Committee of Adjustment Review  
 12 June 2019  
 Committee of Adjustment Review  
 27 May 2019  
 Committee of Adjustment Review  
 15 April 2019  
 Board of Planning  
 11 February 2019  
 Review  
 11 December 2018  
 Date

**Jennifer scholtes architect inc.**  
 68 Winton Road  
 Toronto Ontario M6A 1S1  
 416-925-5533  
 jps@scholtesarchitect.com

**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1  
 Project No.: 18037AU  
 Drawn by: JS  
 Reviewed by: JS  
 Scale: As Noted

**SECOND FLOOR PLAN  
 PROPOSED**

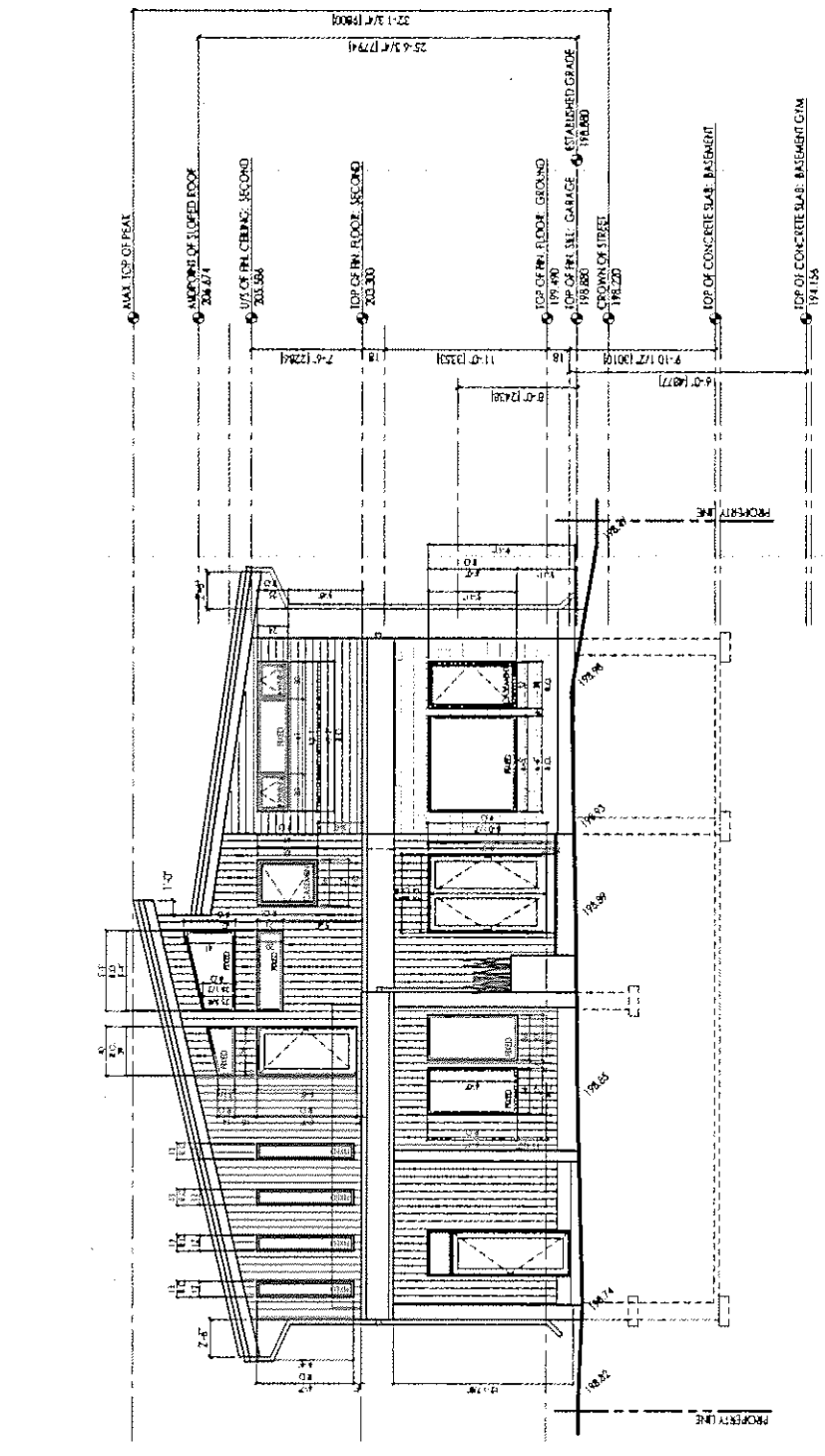
A202

Committee of Adjustment Meeting  
 13 July 2019  
 22 June 2019  
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**Jennifer scholas architect inc.**  
 65 Henderson Road  
 Markham, Ontario L3R 0S1  
 Tel: 905.477.8231  
 jennifer@scholasarchitect.com

**Tailisman Residence**  
 10 Tailisman Crescent  
 Markham Ontario L3P 2E1  
 Project No.: 18-07-141  
 Drawn by: J.S.  
 Reviewed by: A. Heier  
 Scale: As Noted

**EAST ELEVATION  
 PROPOSED**  
**A401**



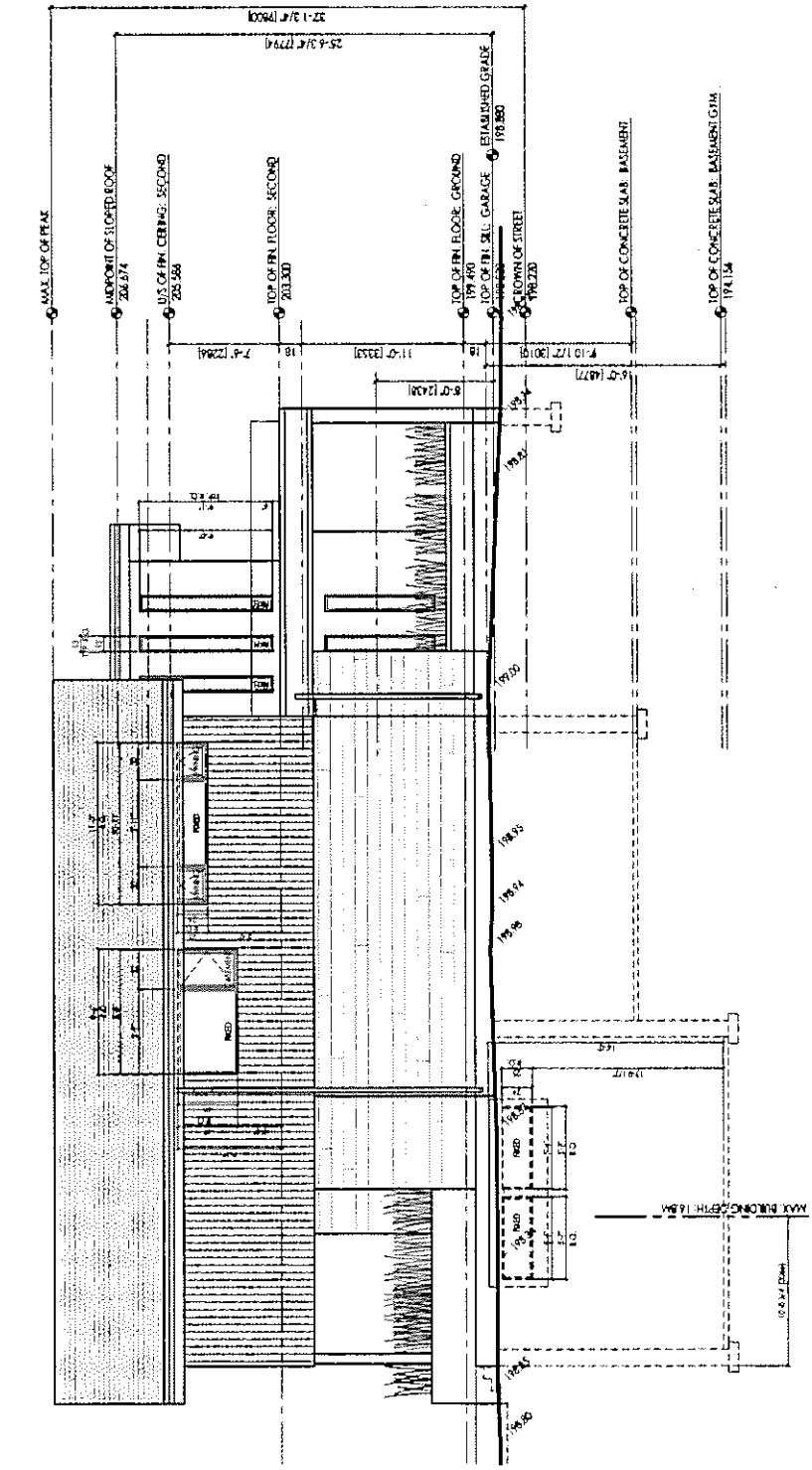
**1 EAST ELEVATION: PROPOSED**  
 SCALE 1/8" = 1'-0"

Completion of A.S. Permit Required  
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Jennifer scholtes architect inc.  
 68 Westmount Road  
 Toronto Ontario M6A 3S1  
 416 994 8591  
 jns@scholtesarchitect.com

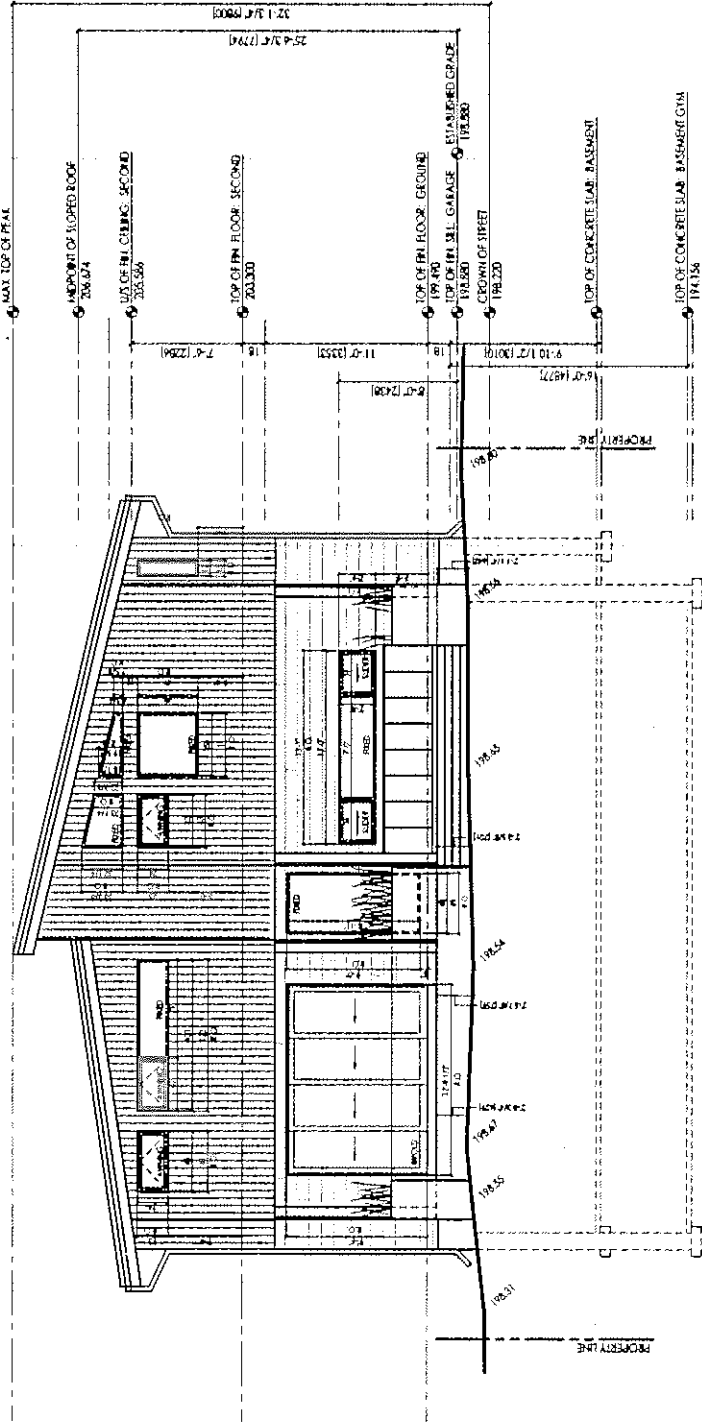
**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1  
 Project No: 1907142  
 Drawn By: AS  
 Reviewed By: AS  
 Scale: As Noted

**SOUTH ELEVATION  
 PROPOSED**  
**A402**



**1 SOUTH ELEVATION: PROPOSED**  
 SCALE 1/8" = 1'-0"





1 WEST ELEVATION: PROPOSED  
SCALE 1/8" = 1'-0"

3 July 2019  
 25 June 2019  
 10 June 2019  
 11 May 2019  
 13 February 2019  
 December 2018  
 Date

Jennifer scholars architect inc.

45 Henderson Road  
 Unit 203 Markham, ON L3R 9K3  
 Tel: 905-477-1400  
 jennifer@scholars-architect.com



Tallisman Residence  
 10 Tallisman Crescent  
 Markham Ontario L3P 2E1

Project No: 1903191  
 Drawn by: JS  
 Reviewed by: AJ, HS  
 Scale:

WEST ELEVATION  
 PROPOSED

A403

1. July 2019  
 20. June 2019  
 23. June 2019  
 19. May 2019  
 11. April 2019  
 11. April 2019  
 December 2018  
 Date

Jennifer scholtes architect inc.  
 64 Macdonell Road  
 Toronto Ontario M8A 3S1  
 416 799 8333  
 jens@scholtesarchitect.com

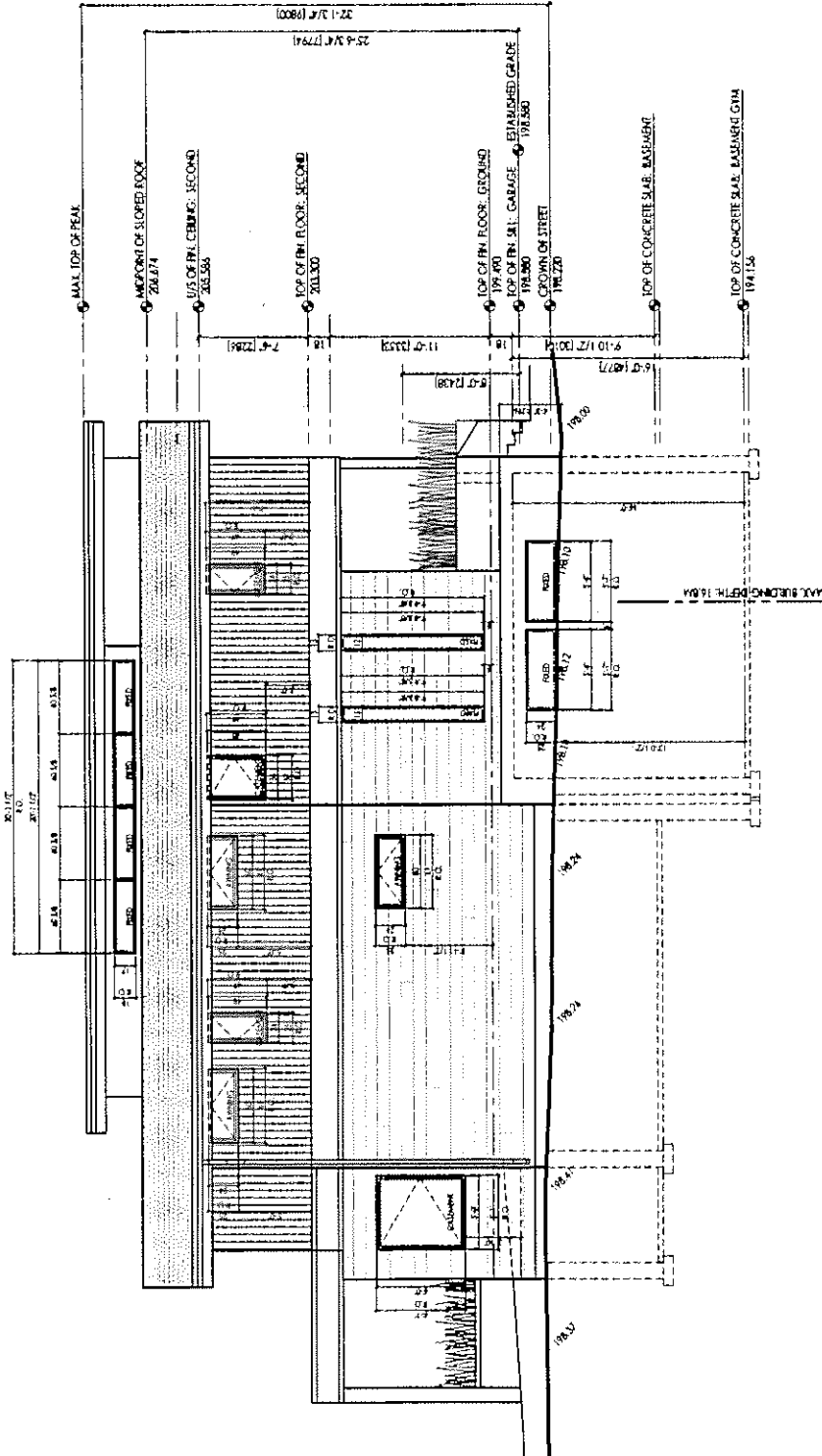


**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1

Project No.: 10087411  
 Drawing No.: 25  
 Prepared by: AS  
 Scale: As Noted

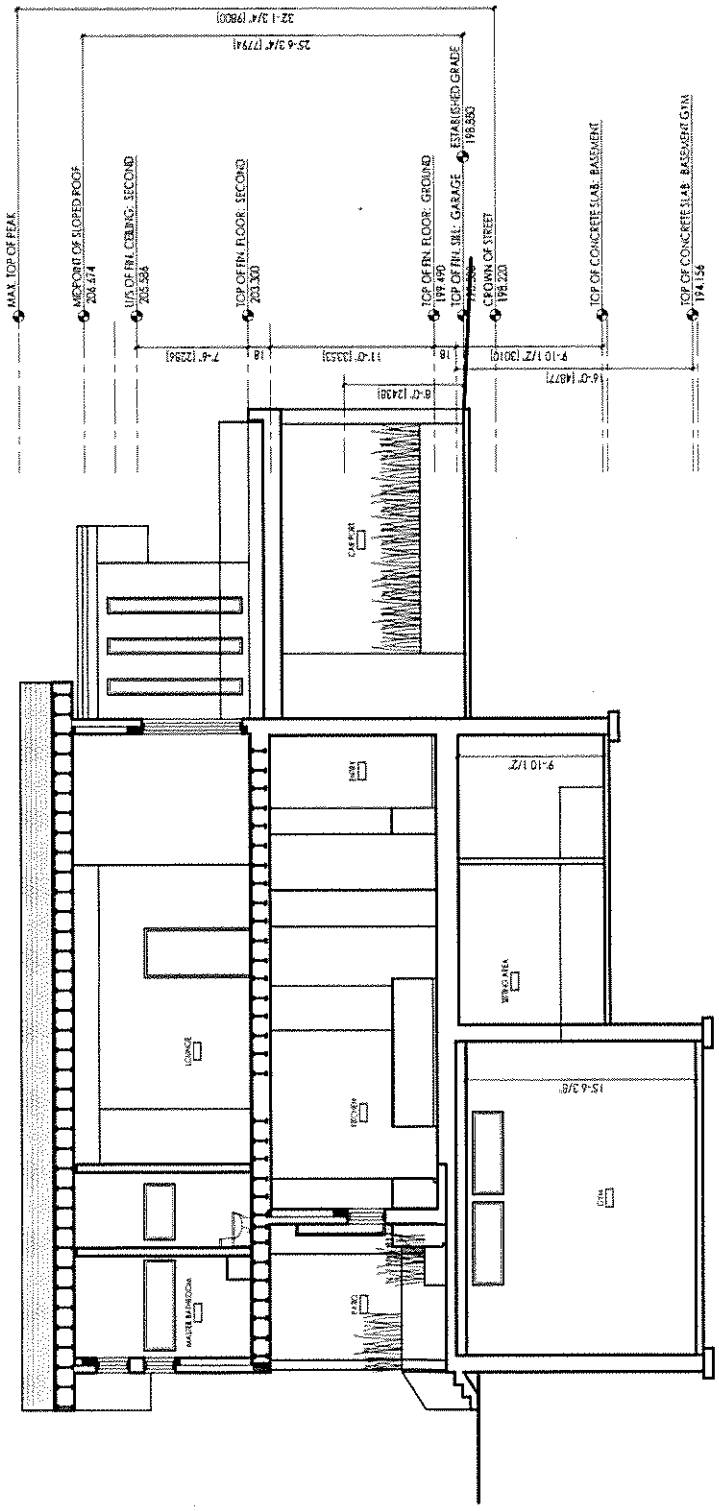
**NORTH ELEVATION  
 PROPOSED**

**A404**



**1 NORTH ELEVATION: PROPOSED**  
 SCALE 1/8" = 1'-0"





3 JAN 2019  
 20 JUN 2019  
 10 JUL 2019  
 10 JUN 2019  
 18 MAY 2019  
 15 FEBRUARY 2019  
 21 DECEMBER 2018  
 11 DECEMBER 2018  
 DATE

Jennifer scholes architect inc.  
 68 Winton Road  
 Toronto Ontario M6A 1S1  
 416 999 8593  
 jennifer@jenscholesarchitect.com

**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3P 2E1  
 Project No.: 1808741  
 Date: 25  
 Reviewed By: JS  
 Scale: As Noted

**SECTION  
 PROPOSED**

A502

**1 SECTION: PROPOSED**  
 SCALE 1/8" = 1'-0"

Committee of Adjustment File No. 2018-00000  
 Date of Application: 23 July 2018  
 Date of Hearing: 23 June 2019  
 Date of Decision: 10 June 2019  
 Committee of Adjustment File No. 2019-00000  
 Date of Application: 13 April 2019  
 Date of Hearing: 15 April 2019  
 Date of Decision: 15 January 2019  
 Committee of Adjustment File No. 2019-00000  
 Date of Application: 21 December 2018  
 Date of Hearing: 14 December 2018  
 Date of Decision: 14 December 2018



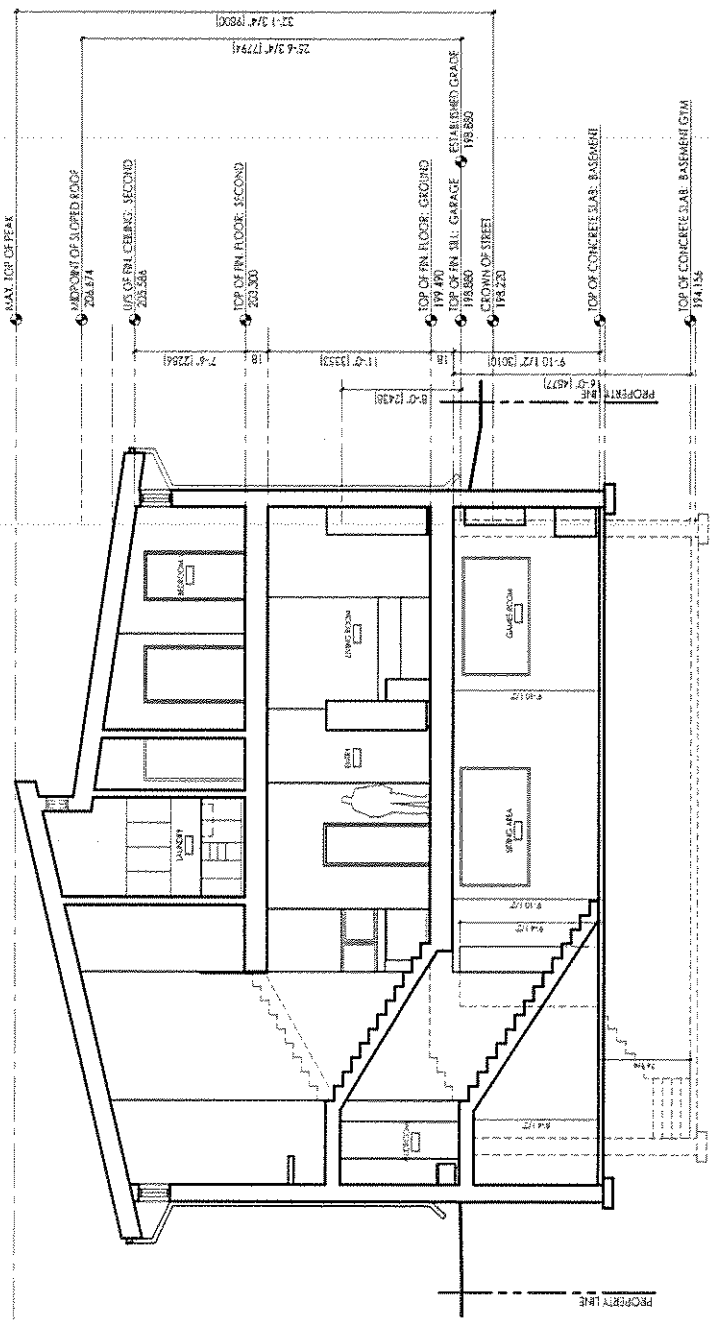
**Jennifer Scholtes architect inc.**  
 88 Wilmacott Road  
 Toronto, Ontario M6A 3S1  
 Tel: 416-593-6848  
 info@scholtesarchitect.com

**Talisman Residence**  
 10 Talisman Crescent  
 Markham Ontario L3p 2E1

Project No.: 19872AU  
 Drawn by: JS  
 Reviewed by: JS  
 Scale: As Noted

**SECTION**  
**PROPOSED**

**A503**



**1 SECTION: PROPOSED**  
 SCALE: 1/8" = 1'-0"

**From:** Brandon Gaffoor <Brandon.Gaffoor@metrolinx.com>  
**Sent:** Wednesday, July 17, 2019 1:06 PM  
**To:** Leung, Melissa; Leung, Justin  
**Cc:** Ivan Cheung  
**Subject:** RE: A/60/19 - 10 Talisman Crescent - Minor Variance - Metrolinx comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Melissa/Justin,

To satisfy the warning clause condition, I will require a letter of intent to be submitted by the applicant that stipulates the owner will update the future purchase of sale agreement to include the warning clause. We will keep the letter of intent in our records in the event of any complaints that arise from the owners of the subject property about Metrolinx railway activities.

To satisfy the environmental easement condition, the applicant and/or their legal counsel may reach out directly to me to start the registration process with Metrolinx Legal.

Hope this helps.

Please let me know if you have any questions or concerns,

**BRANDON GAFFOOR**

Third Party Projects Officer  
Utilities & Third Party Projects Review  
Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3  
T: 416.202.7294 C: 647.289.1958



---

**From:** Leung, Melissa [mailto:MelissaLeung@markham.ca]  
**Sent:** July-17-19 12:04 PM  
**To:** Brandon Gaffoor  
**Cc:** Ivan Cheung; Leung, Justin  
**Subject:** RE: A/60/19 - 10 Talisman Crescent - Minor Variance - Metrolinx comments

Hi Brandon,

Can you provide some clarification on how the applicant can satisfy the condition below prior to obtaining a building permit? The applicant has not provided any indication that they will be selling their property in the near future.

Thank you,

**Melissa Leung**, BES  
Committee of Adjustment Technician

Planning & Urban Design, Development Services Commission  
City of Markham | 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3  
T: 905.477.7000 ext. 2392 E: [melissaleung@markham.ca](mailto:melissaleung@markham.ca)

**From:** Brandon Gaffoor <Brandon.Gaffoor@metrolinx.com>  
**Sent:** Wednesday, June 26, 2019 9:25 AM

**To:** Leung, Melissa <MelissaLeung@markham.ca>  
**Cc:** Ivan Cheung <Ivan.Cheung@metrolinx.com>  
**Subject:** RE: A/60/19 - 10 Talisman Crescent - Minor Variance - Metrolinx comments

Hi Melissa,

Further to the circulation for 10 Talisman Crescent dated June 18<sup>th</sup>, 2019, I note the subject site is located within 300 metres of Metrolinx's Uxbridge Subdivision which carries Stouffville GO Train service. I further note that the subject minor variance application is to assist in the facilitation of the new residential dwelling. We have no objections to the application, however, ask that the following be included in any conditions of approvals related to the minor variance and/or subsequent site plan application;

\*The following warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

**Warning:** Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

\*The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx. I have attached our Environmental Easement language as reference.

Should you have any questions or concerns, please feel free to contact myself.

**BRANDON GAFFOOR**

Third Party Projects Officer  
Utilities & Third Party Projects Review  
Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3  
T: 416.202.7294 C: 647.289.1958



---

**From:** Leung, Melissa [<mailto:MelissaLeung@markham.ca>]

**Sent:** June-18-19 10:25 AM

**To:** Corr, Stephen; Leung, Melissa; Aryan, Shahab; Wimmer, Elizabeth; Lanni, Joe; Councillor, Karen Rea - Markham; Saini, Harvinder

**Cc:** Lee, John; Goldsworthy, Mark; Wong, Patrick; Duoba, Lilli; Development Services; Engineering Admin; [rowcentre@bell.ca](mailto:rowcentre@bell.ca); Proximity; development.coordinator; Bezerra, Mylene; Leung, Justin; Samara, Amanda; Roberts, Bradley; Building Special Investigations; Prasad, Arvin; Taylor, Andy

**Subject:** A/60/19 - 10 Talisman Crescent - Minor Variance

Good Morning,

Please review the attached plans and supporting documents for 10 Talisman Crescent (A/60/19) Minor Variance application.

Thank you,

**Melissa Leung**, BES  
Committee of Adjustment Technician

Planning & Urban Design, Development Services Commission  
City of Markham | 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3  
T: 905.477.7000 ext. 2392 E: [melissaleung@markham.ca](mailto:melissaleung@markham.ca)

## APPENDIX B

### Form of Easement

WHEREAS the Transferor is the owner of those lands legally described [insert legal description] (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting or releasing thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.



## **APPENDIX "C"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/60/19**

1. That the carport remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. 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 July 4, 2019, 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;
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;
7. Submission of a letter of intent to Metrolinx stipulating that the owner will insert the following warning clause in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

**Warning:** Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims

arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

8. The Owner shall contact Metrolinx with regards to an environmental easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Melissa Leung", is written over a horizontal line.

Melissa Leung, Committee of Adjustment Technician, Zoning and Special Projects