

Memorandum to the City of Markham Committee of Adjustment

May 17, 2021

File: A/053/21
Address: 46 Squire Baker's Lane – Markham, ON
Applicant: Nelson Kwong Architect
Agent: In Roads Consultants
Hearing Date: May 26, 2021

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

The applicant is requesting relief from the following “Residential One (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

a) By-law 99-90, Sec. 1.2 (i):

a maximum height of 8.34 m (27.36 ft), whereas the By-law permits a maximum height of 8.0 m (26.25 ft); and

b) By-law 99-90, Sec. 1.2(vi):

a maximum floor area ratio of 51.50%, whereas the By-law permits a maximum floor area ratio of 45.0%.

BACKGROUND

Property Description

The 628.28 m² (6,763.0 ft²) subject property is located on the west side of Squire Baker's Lane, north of Highway 407, east of Main Street Markham South, and south of Highway 7 East. The subject property is slightly irregular in shape, with a front lot line that is wider than the rear due to the angle of the south side lot line. The property is currently developed with a one-storey single detached dwelling. Vegetation exists on the property including mature trees located within the front and rear yard, and municipal road allowance. The western half of the property is regulated by the Toronto and Region Conservation Authority (TRCA), as it is within and adjacent to a valley associated with the Rouge River Watershed.

The property is located in an established residential neighbourhood which contains a mix of one and two-storey detached dwellings, and other two-storey semi-detached dwellings which are linked by a common foundation below grade. Mature trees and vegetation are a predominant characteristic of the surrounding area. Properties within the neighbourhood range in size and shape. Properties along the street have lot areas that range between 611.21 m² (6,579.0 ft²) and 1,056.87 m² (11,376.0 ft²).

Proposal

The applicant is proposing to demolish the existing one-storey dwelling, and construct a new two-storey detached dwelling with a flat roof. The proposed dwelling has a first floor area of 171.96 m² (1,850.96 ft²) which includes the attached two-car garage. The proposed second floor area is 147.71 m² (1,589.94 ft²), for a total gross floor area of 319.67 m² (3,440.90 ft²).

Official Plan and Zoning

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

Under the Official Plan, the subject property is designated “Residential Low Rise”, and “Greenway” (on the west half of the site).

The “Residential Low Rise” designation provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. 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, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, and the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential One (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

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 the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to maximum height, and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a ZPR to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on May 7, 2021, which reduced the floor area ratio from an initial request of 56.51%. The applicant has not conducted a 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 non-compliances with the By-law are identified during the Building Permit review process, further variance application(s) may be required to address any non-compliances.

COMMENTS

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

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 51.50%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 319.67 m² (3,440.90 ft²), whereas the By-law permits a dwelling with a maximum floor area of 279.32 m² (3,006.58 ft²). This is an increase of 40.35 m² (434.32 ft²).

Staff are satisfied that the requested increase in floor area ratio would result in a new dwelling with a scale and size that is compatible and generally consistent with existing dwellings along the street and within the surrounding area. The proposed development would have a side yard setback of at least 2.86 m (9.38 ft) along the south side, and 1.83 m (6.0 ft) along the north side which meets and exceeds the minimum standards. In addition, the dwelling would comply with both the maximum lot coverage and building depth requirements that, in part, establishes the prescribed building envelope for a two-storey dwelling.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum height of 8.34 m (27.36 ft), whereas the By-law permits a maximum height of 8.0 m (26.25 ft) for a dwelling with a flat roof. This is an increase of 0.34 m (1.12 ft).

The By-law calculates building height using the vertical distance of a building measured between the level of the crown of the street at the mid-point of the front lot line and highest point of the roof surface or parapet, whichever is greater for a flat roof. Alternatively, dwellings with a gable, hip, gambrel or other types of pitched rooves are permitted a height of 9.80 m (32.15 ft).

It is noted that the grade at the front of the house is approximately 0.82 m (2.69 ft) above the crown of road. Therefore, the height from established grade at the front of the dwelling is approximately 7.52 m (24.67 ft). In considering the grade of the property, and height permissions for dwellings with different roof types, staff are of the opinion that the requested height is a minimal increase that would maintain the general intent of the By-law.

Tree Protection & Compensation

The applicant submitted an Arborist Report and Tree Preservation & Planting Plan dated March 18, 2021 which confirms a total of four trees exist on the subject property, one of which is located in the front yard, and three located along the rear lot line of the subject property. One City tree is located within the municipal boulevard.

The applicant is proposing to remove two crabapple trees which are in poor condition, and at the request of the TRCA, is proposing to plant two trees, and nine native shrubs as tree/vegetative replacements. The remaining three trees would be injured due to the removal of the existing driveway, and construction of a new pool. The applicant would be required to obtain a permit to injure these trees, and may be required to provide mitigation measures as part of City staff's assessment at a future date to best limit any injury to these trees. Further compensation than what is currently proposed at the request of the TRCA may be required, and will similarly be assessed by Operations staff at a future date.

Staff recommend that the conditions in Appendix “A” be adopted by the Committee in the event of approval, to ensure that appropriate tree protection, and any further mitigation and compensation measures are appropriately carried out.

TRCA Comments

The western half of the subject property is located within the TRCA’s regulated area as it is within and adjacent to a valley corridor associated with the Rouge River Watershed. The TRCA provided comments on May 4, 2021 (Appendix “D”), which confirms that the applicant has generally satisfied TRCA concerns relating to the location of the proposed dwelling, landscaping, and in ground pool, with some outstanding minor comments which can be addressed through the TRCA’s permit process. TRCA have no objections to this minor variance application, subject to the conditions outlined in their letter.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 17, 2021. 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 requested variances meet the four tests of the *Planning Act*. The proposed development would have height, massing, and scale that is appropriate for the site, and is generally consistent with that permitted by the zoning with properties along the street. 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendix “A” for conditions to be attached to any approval of this application.

APPENDICES

Appendix “A” – Conditions of Approval

Appendix “B” – Plans

Appendix “C” – Tree Protection Plan

Appendix “D” – TRCA Comments: May 4, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/053/21

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 plans 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. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, 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.
4. 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.
5. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/053/21

PROJECT DESCRIPTION






46 SQUIRE BAKER'S LANE, MARKHAM ON
LOT 101, REGISTERED PLAN 7980

THE PROPOSED PROJECT INVOLVES THE DEMOLITION OF AN EXISTING 1 STOREY DWELLING AND CONSTRUCTION OF A NEW 2 STOREY DWELLING. THE EXISTING DRIVEWAY WILL BE REMOVED AND A NEW DRIVEWAY WILL BE LOCATED ON THE NORTH SIDE OF THE PROPERTY WITH A NEW CURB CUT. A SIDE YARD BASEMENT WALK-OUT IS PROPOSED ON THE SOUTH SIDE AND A NEW POOL AND NEW DECK IS PROPOSED FOR THE REAR YARD.

GRADING NOTES:

- THE EXISTING DRAINAGE PATTERN IN THE AREA OF THE SITE HAS BEEN MAINTAINED AS THE EXISTING GRADES ARE NOT BEING ALTERED BEYOND THE EXCAVATION REQUIRED FOR THE NEW DWELLING.
- EXISTING GRADES ALONG ALL PROPERTY LINES TO REMAIN UNDISTURBED.

SITE PLAN LEGEND

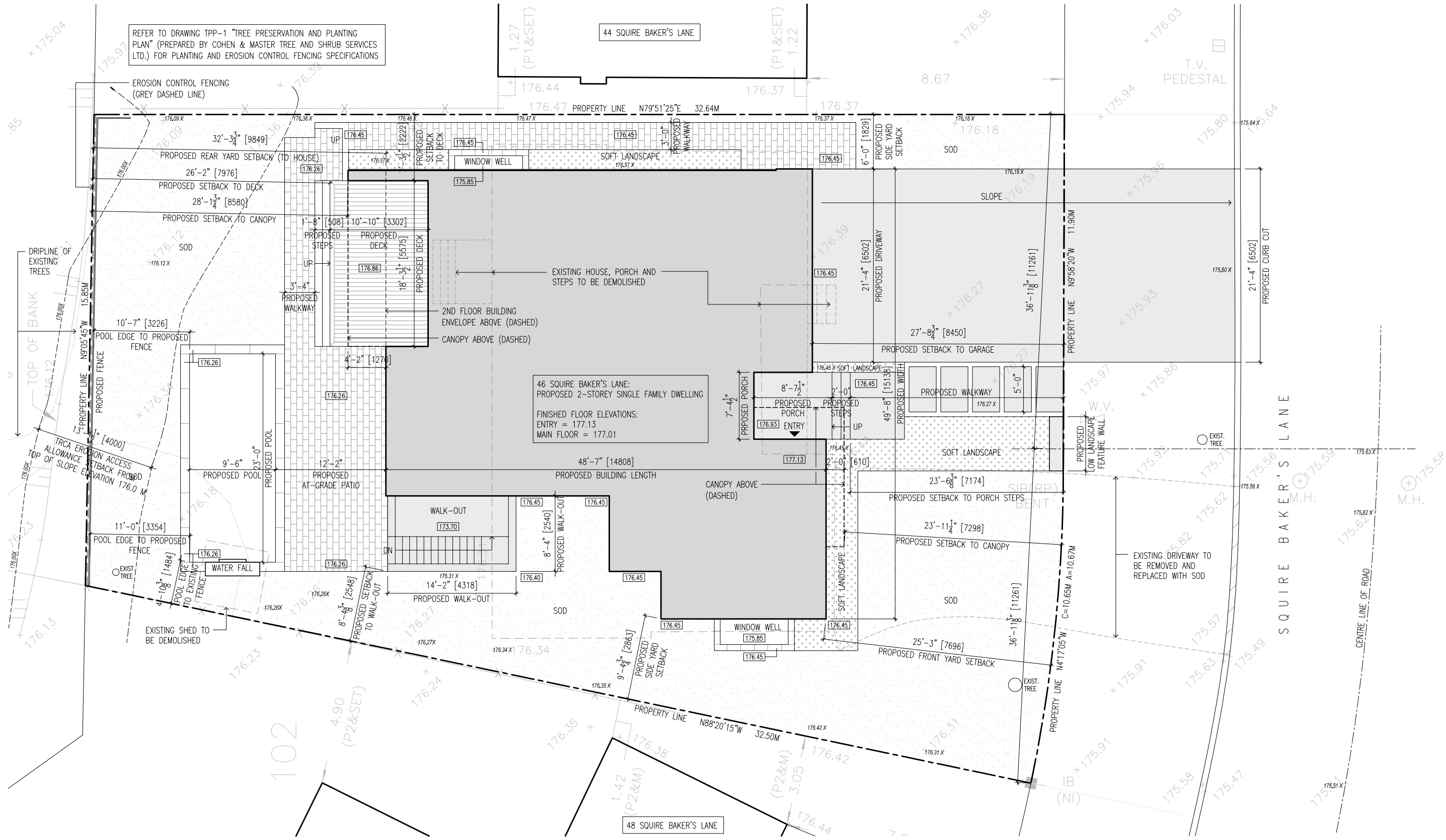
-  DENOTES SOFT LANDSCAPING
-  DENOTES HARD SURFACE AREA
-  DENOTES PAVER WALKWAY
-  DENOTES PROPOSED GRADE ELEVATION
-  DENOTES EXISTING GRADE ELEVATION

BOUNDARY AND SURVEY INFORMATION WAS PREPARED BY MANDARIN SURVEYORS LIMITED ON JANUARY 11, 2021.

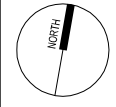
Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY



no	date	revision
4	05 May 2021	REVISED FOR C.O.A. APPLICATION
3	19 Apr 2021	C.O.A. APPLICATION
2	31 Mar 2021	TRCA RE-SUBMISSION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW



Nelson Kwong Architect

870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Site Plan

scale: 3/32" = 1'-0"
date: May 05, 2021

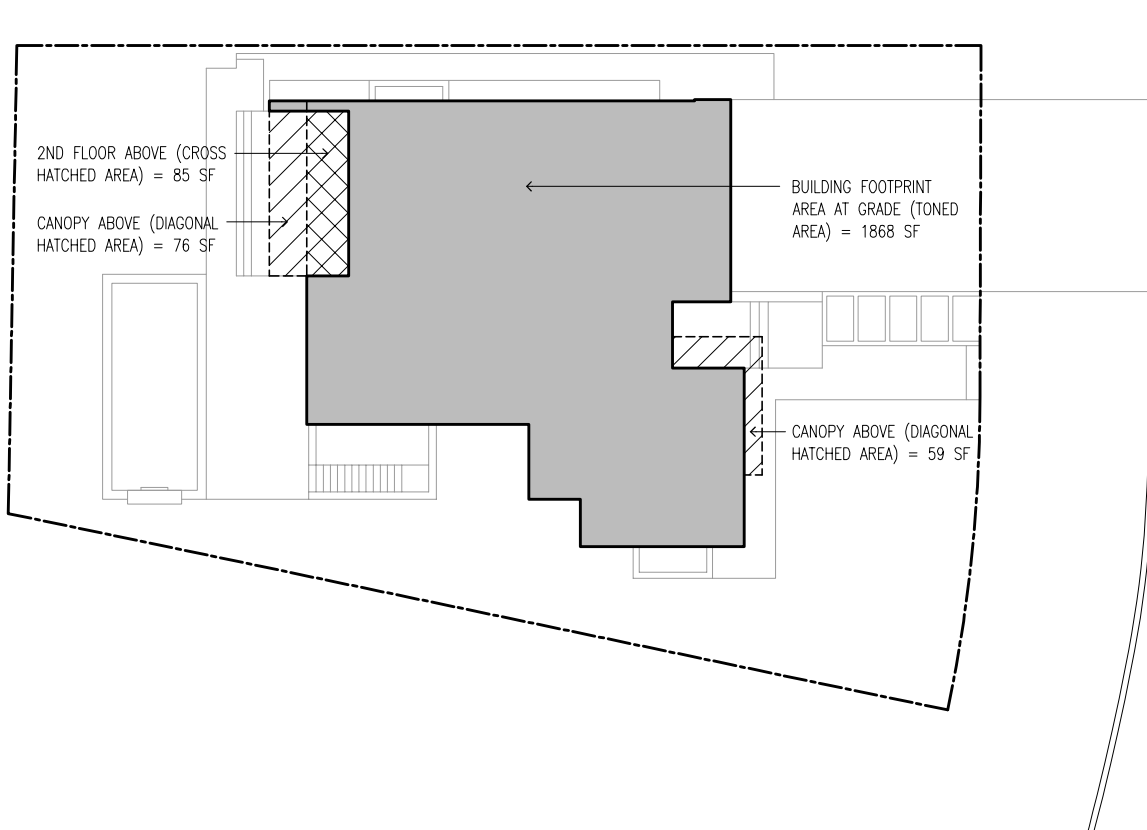
drawing number: **A100**

SITE + BUILDING STATISTICS

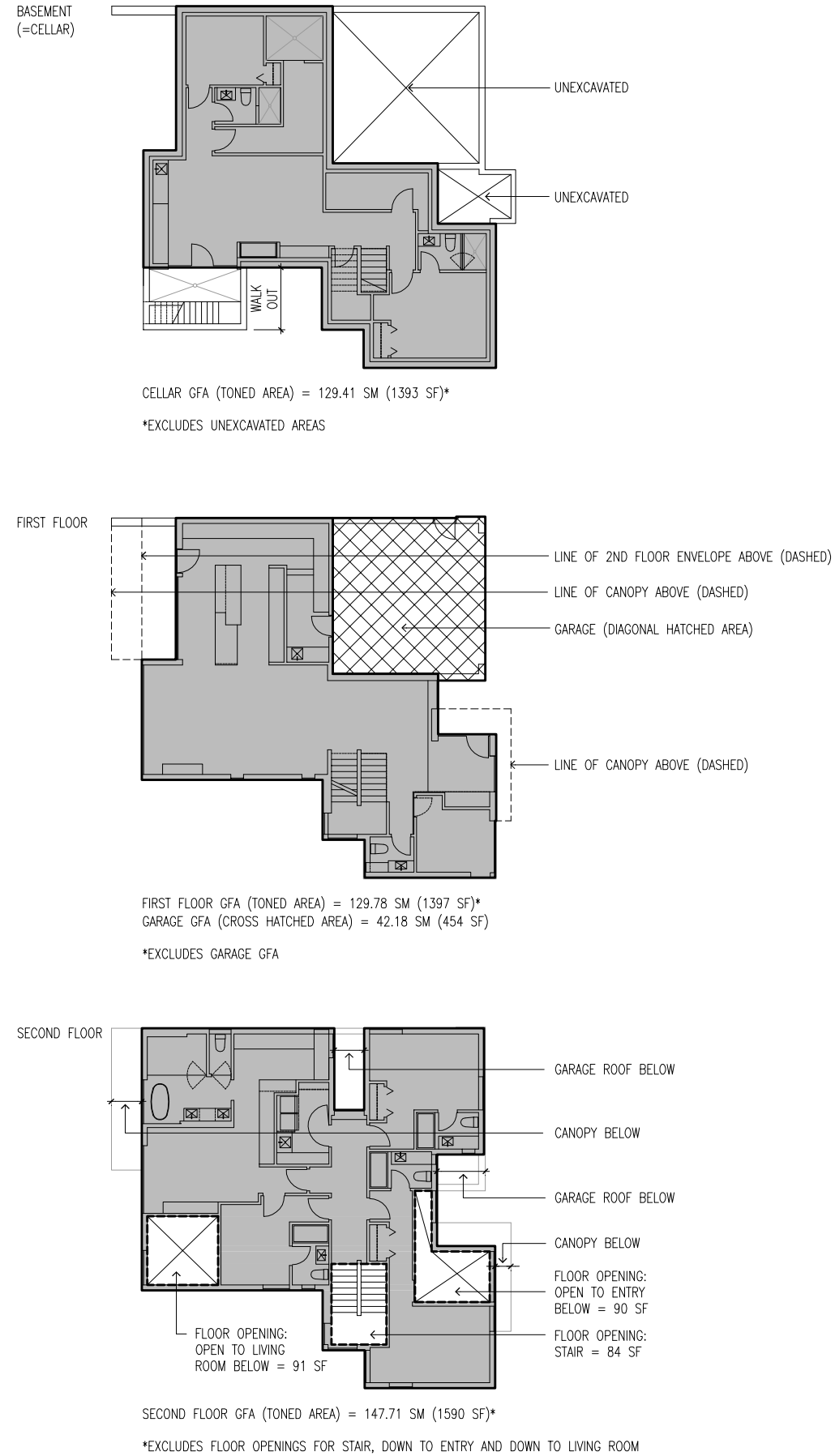
EXISTING LOT AREA:	628.28 SM (6763 SF)
PROPOSED BUILDING DEPTH:	14.81 M (48'-7")
PROPOSED BUILDING HEIGHT:	8.33 M (27'-4")
PROPOSED LOT COVERAGE:	
BUILDING FOOTPRINT AT GRADE	173.54 SM (1868 SF)
2ND FLOOR REAR OVERHANG	7.90 SM (85 SF)
FRONT AND REAR CANOPY	12.54 SM (135 SF)
TOTAL	193.98 SM (2088 SF)*
EXISTING LOT AREA	628.28 SM (6763 SF)
PROPOSED LOT COVERAGE	31% (193.98/628.28)*
NET FLOOR AREA RATIO:	
GROSS FLOOR AREAS:	
1ST FLOOR (EXCLUDING GARAGE)	129.78 SM (1397 SF)
GARAGE	42.18 SM (454 SF)
2ND FLOOR	147.71 SM (1590 SF)
TOTAL 1ST + 2ND + GARAGE G.F.A.	319.67 SM (3441 SF)**
BASEMENT (=CELLAR)	129.41 SM (1393 SF)
NET LOT AREA	620.76 SM (6682 SF)***
NET FLOOR AREA RATIO	51.50% (319.67/620.76)****
PROPOSED SETBACKS:	
FRONT YARD	7.70 M (25'-3")
REAR YARD	9.85 M (32'-3")
SIDE YARD - NORTH	1.83 M (6'-0")
SIDE YARD - SOUTH	2.86 M (9'-4")
(SEE SITE PLAN FOR ADDITIONAL SETBACK DIMENSIONS TO PORCH STEPS, SIDE WALK-OUT, REAR DECK, CANOPIES)	

*SEE LOT COVERAGE CALCULATION DIAGRAM FOR BREAK-DOWN OF AREAS.
 **SEE GROSS FLOOR AREA CALCULATION DIAGRAM FOR BREAK-DOWN OF FLOOR AREAS AND EXCLUSIONS.
 ***NET LOT AREA = (6763 SF - 6600 SF)/2 + 6600 SF = 6682 SF
 ****NET FLOOR AREA EXCLUDES BASEMENT (=CELLAR) AREA

Lot Coverage Calculation Diagram



Gross Floor Area Calculation Diagram



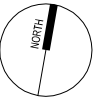
Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21

MM/DD/YY

3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW
no	date	revision/issued



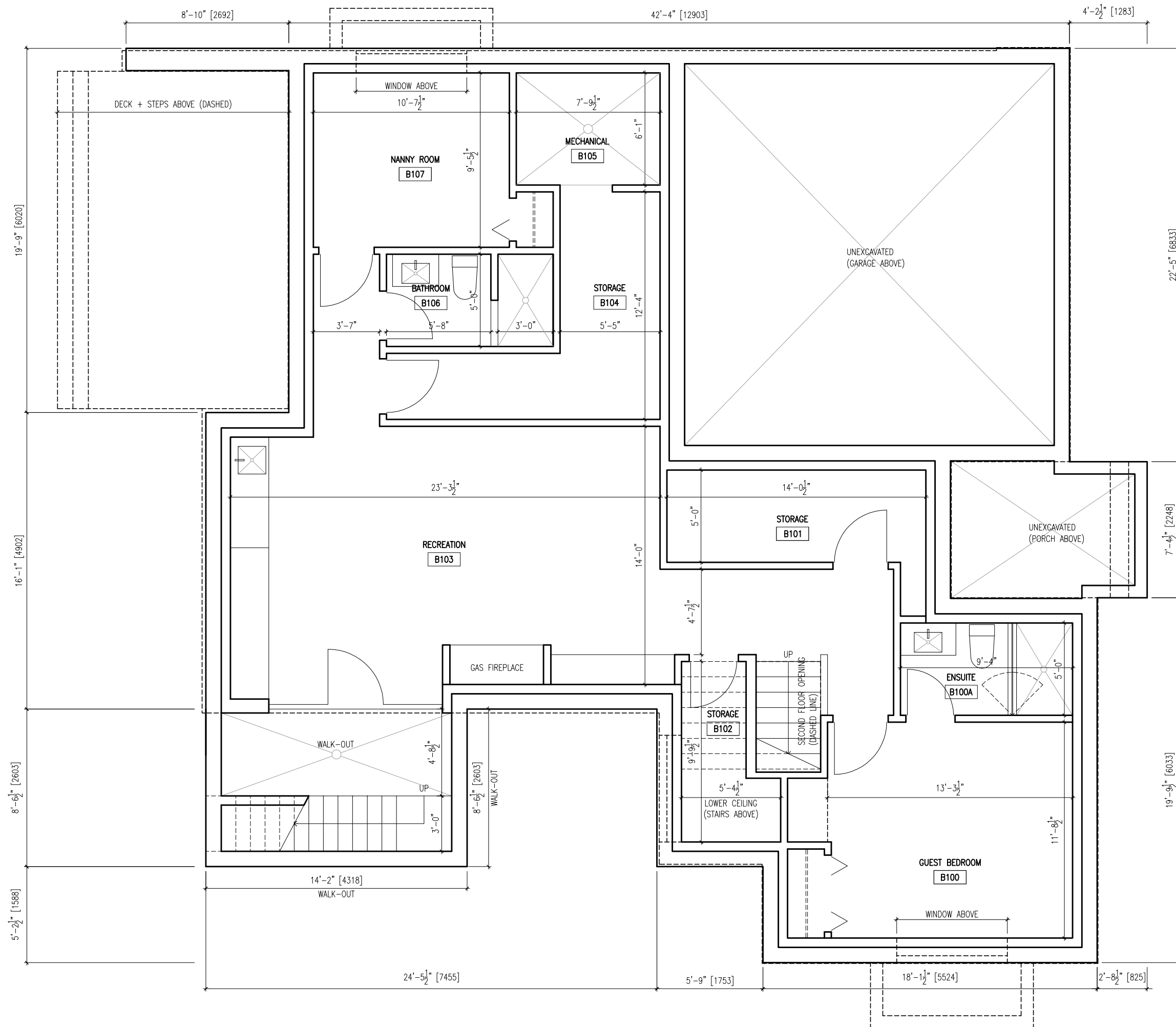
Nelson Kwong Architect
 870 Kingston Road
 Toronto, ON M4E 1S3
 T: 416.698.9416
 E: nka@nkarchitect.ca

**46 Squire Baker's Lane
 Proposed New Residence**

Site + Building Statistics

scale: 3/64" = 1'-0"
 date: May 05, 2021

drawing number: **A101**

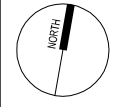


Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY

no	date	revision
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW



Nelson Kwong Architect

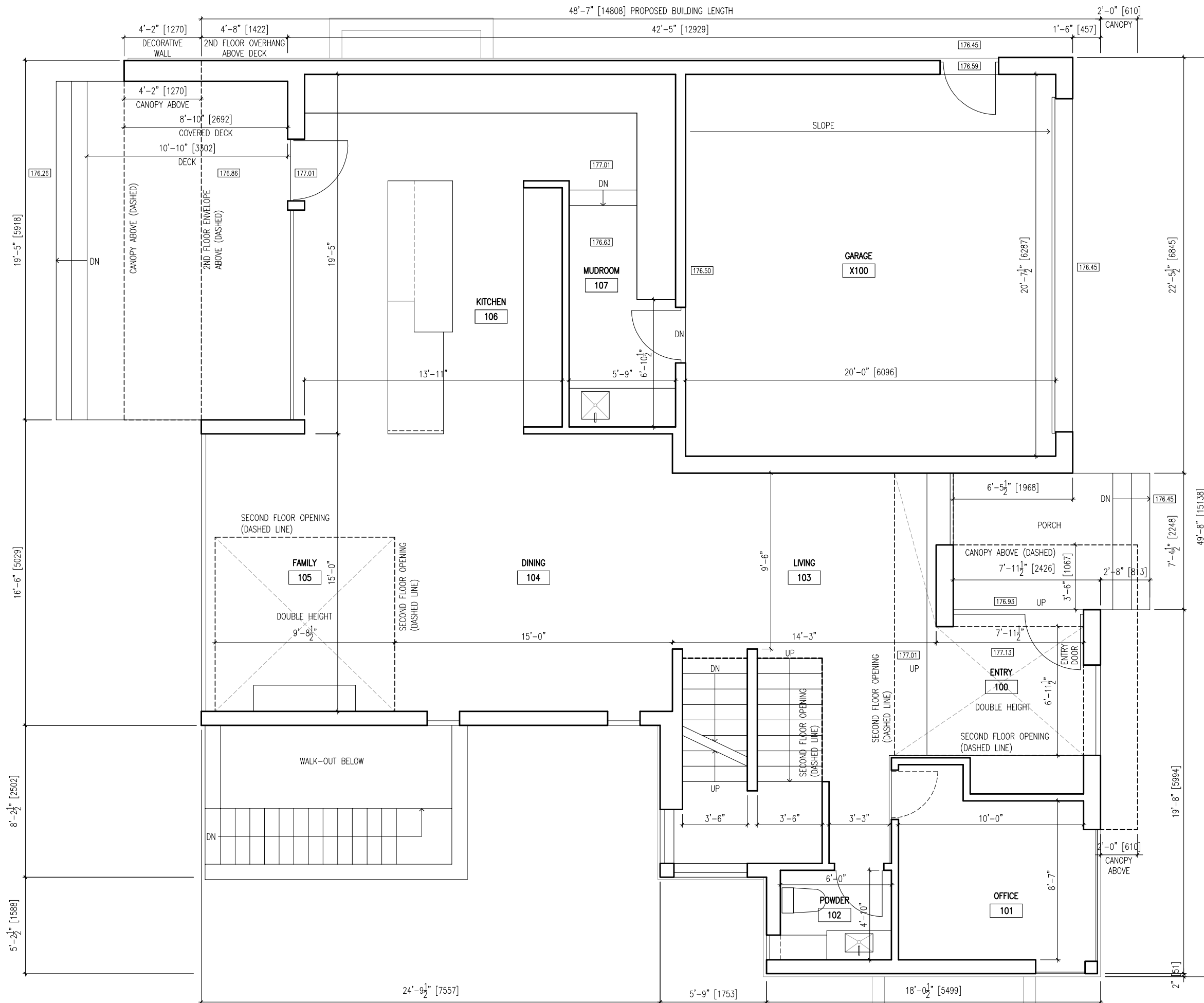
870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Basement (Cellar) Plan

scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A200**

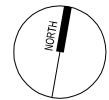


Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY

no	date	revision/issued
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW



Nelson Kwong Architect

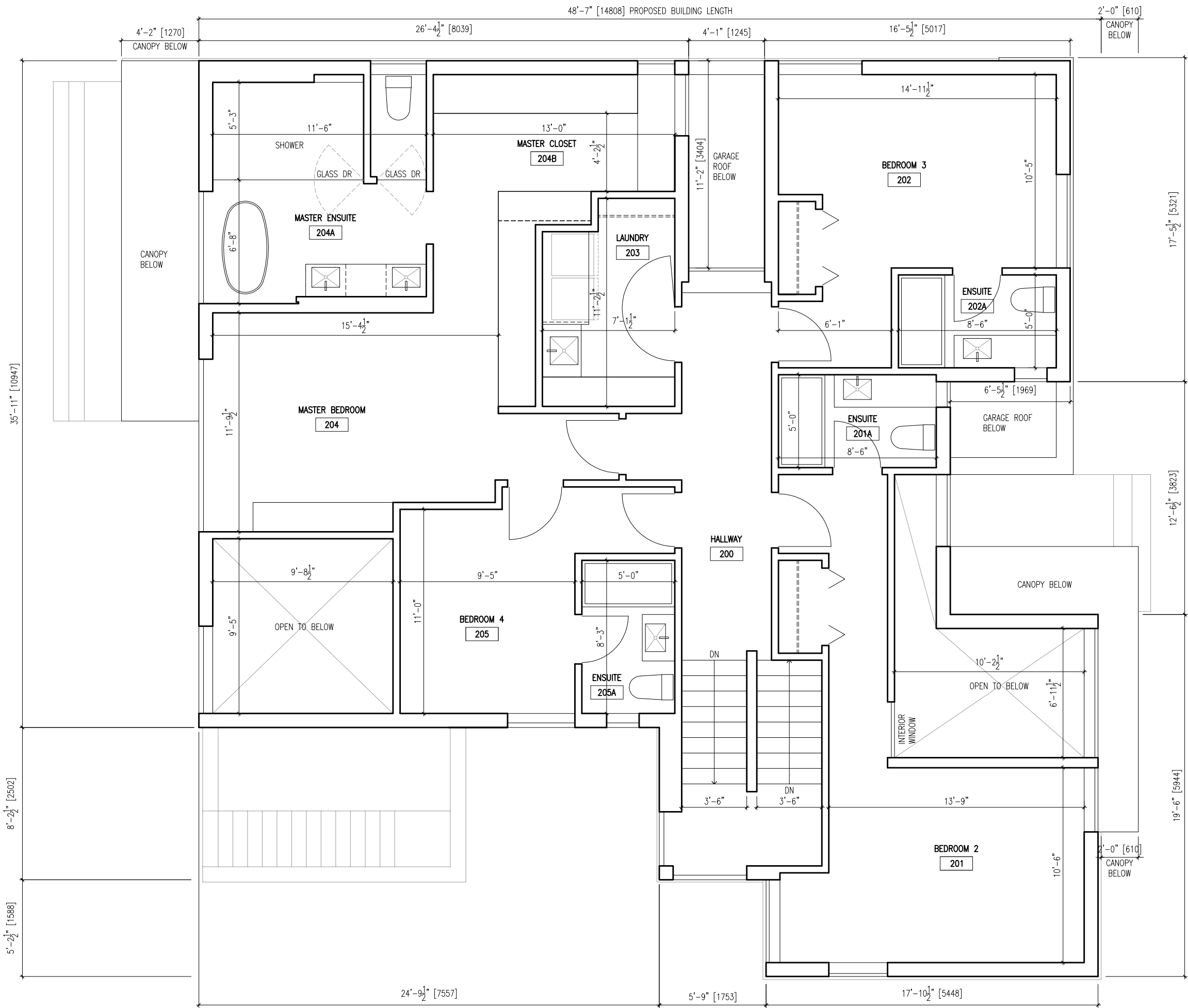
870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

First Floor Plan

scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A201**

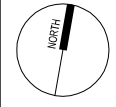


Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY

no	date	revision/issued
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW



Nelson Kwong Architect

870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Second Floor Plan

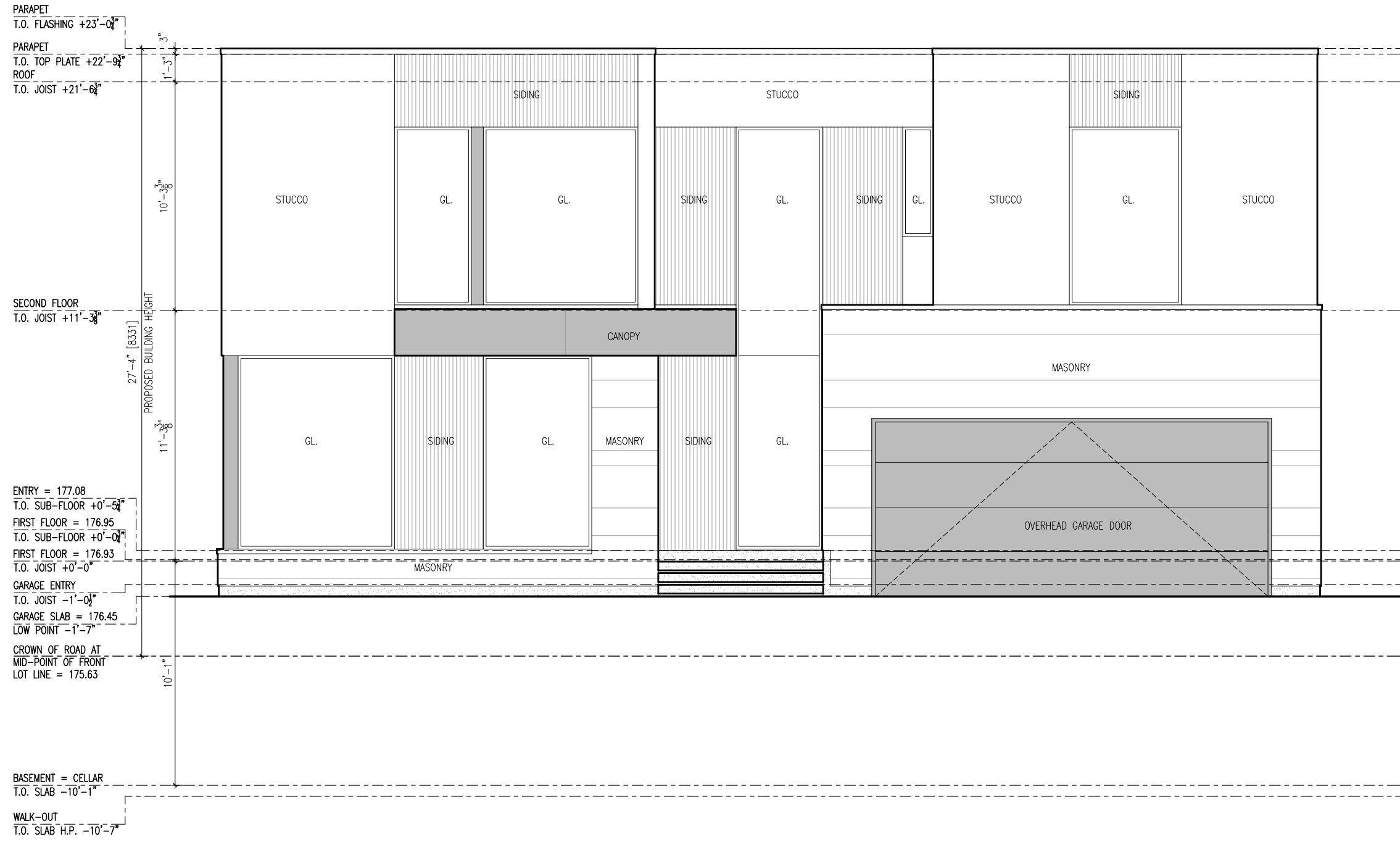
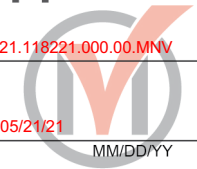
scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A202**

Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY



no	date	revision/issued
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW

Nelson Kwong Architect

870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Building Elevation:
Front (East)

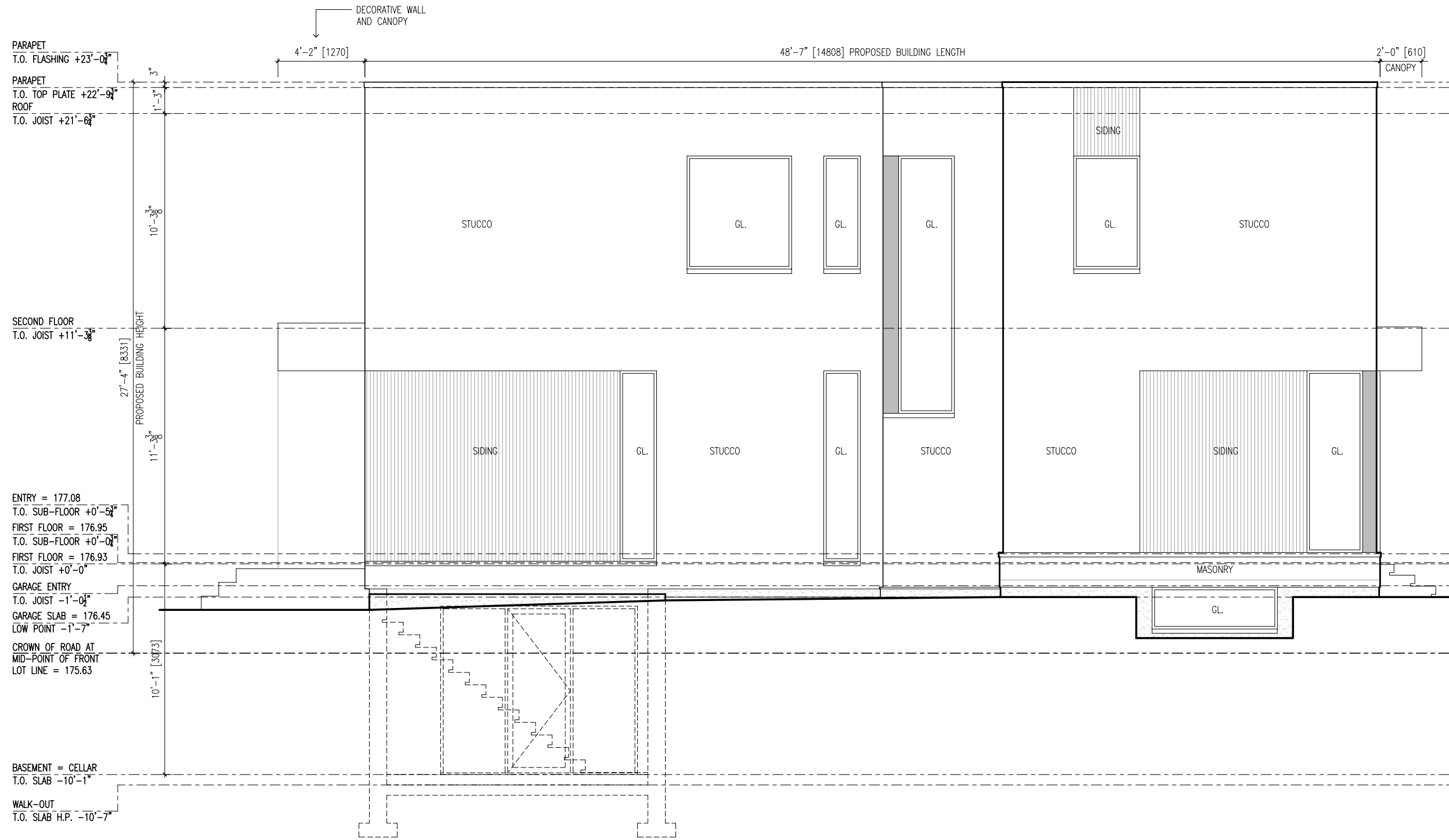
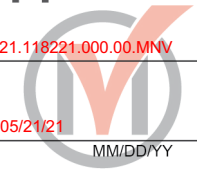
scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A300**

Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY



no.	date	revision/issued
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW

Nelson Kwong Architect
870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Building Elevation:
Side (South)

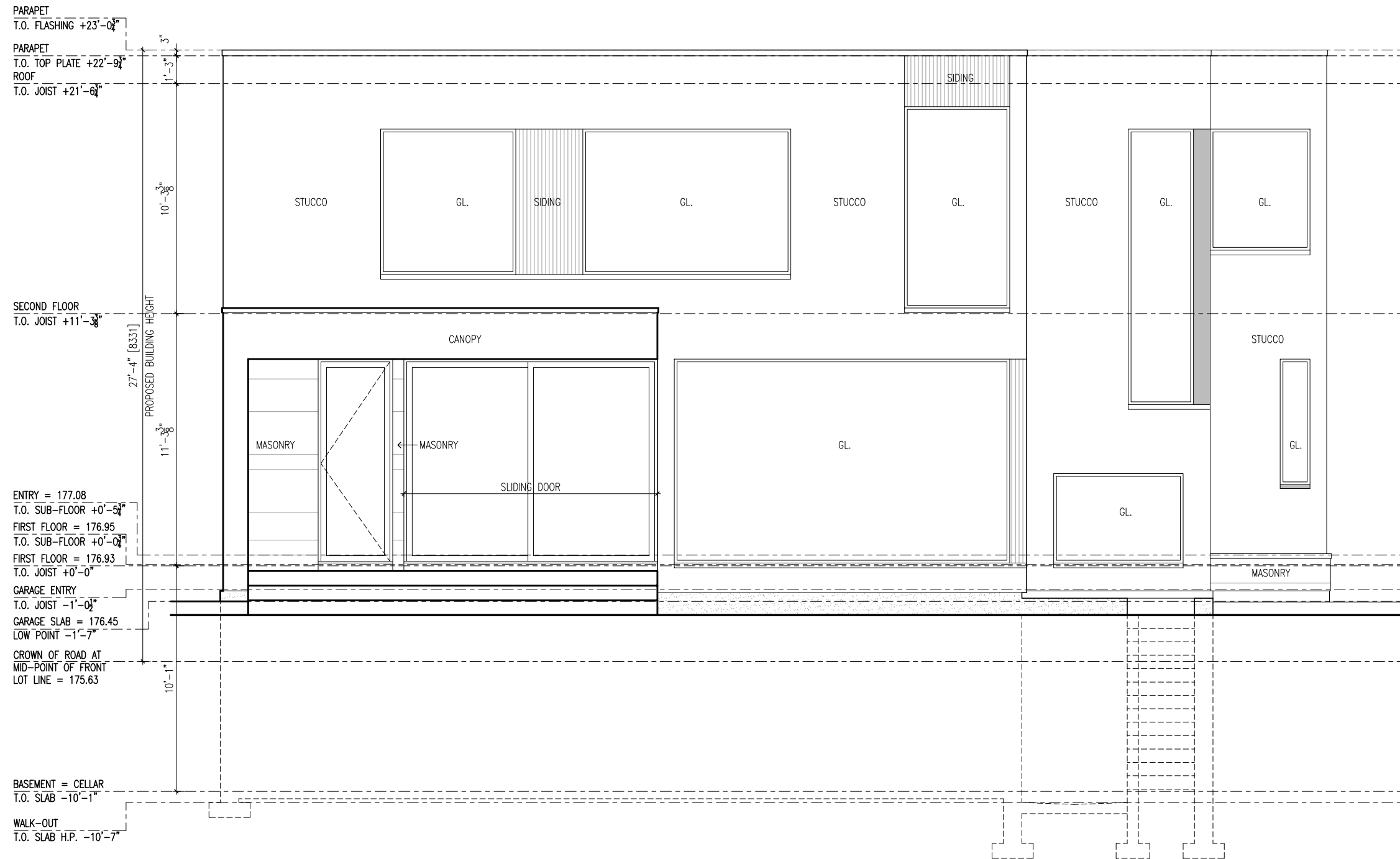
scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A301**

Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY



no	date	revision/issued
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW

Nelson Kwong Architect

870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Building Elevation:
Rear (West)

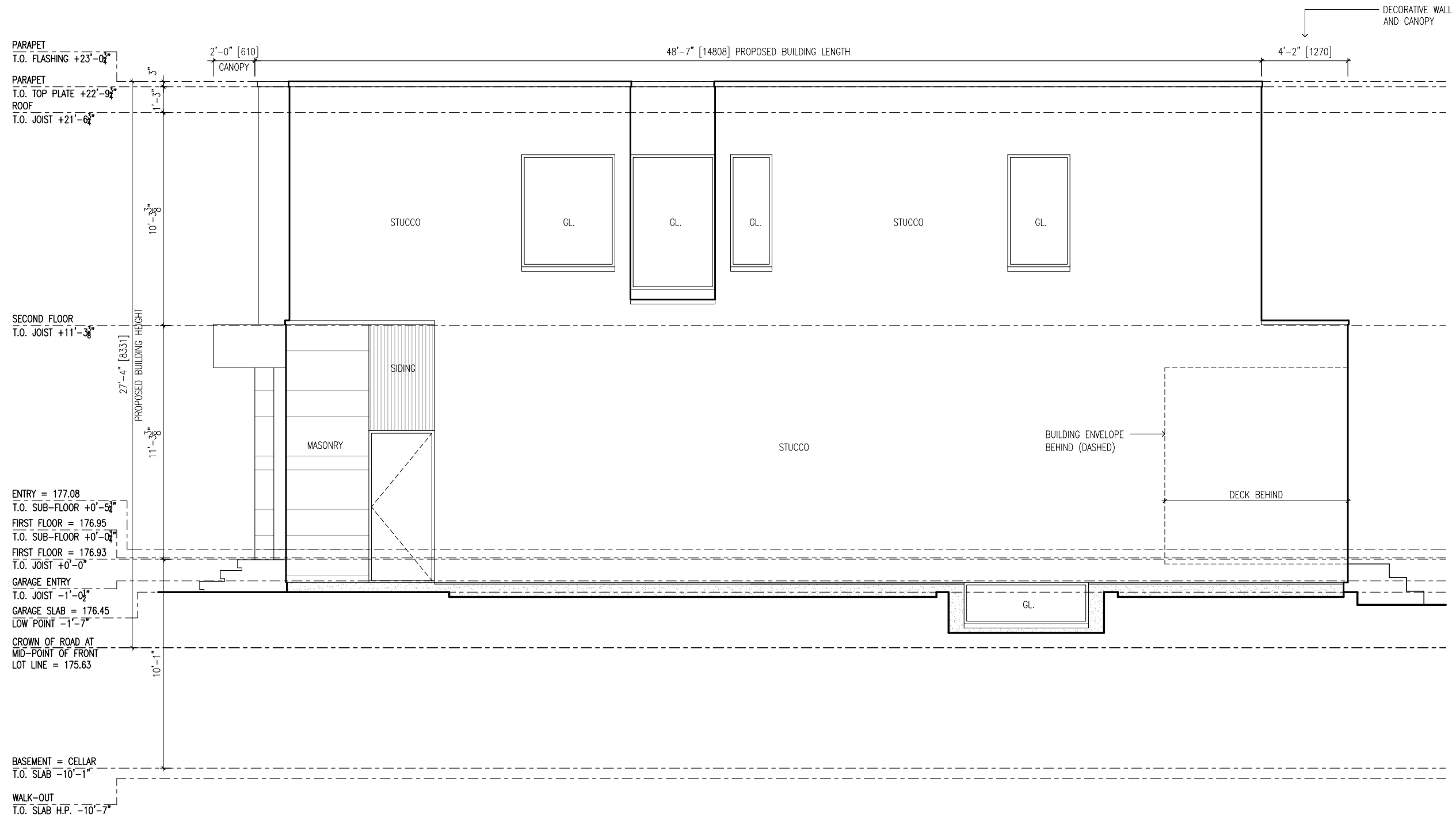
scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A302**

Appendix B

File: 21.118221.000.00.MNV

Date: 05/21/21
MM/DD/YY



no	date	revision/issued
3	05 May 2021	REVISED FOR C.O.A. APPLICATION
2	19 Apr 2021	C.O.A. APPLICATION
1	15 Mar 2021	ZONING PRELIMINARY REVIEW

Nelson Kwong Architect
870 Kingston Road
Toronto, ON M4E 1S3
T: 416.698.9416
E: nka@nkarchitect.ca

46 Squire Baker's Lane
Proposed New Residence

Building Elevation:
Side (North)

scale: 3/16" = 1'-0"
date: May 05, 2021

drawing number: **A303**

APPENDIX "C"
TREE PROTECTION PLAN

Planting List: Trees and shrubs							
Plant ID	Botanical Name	Common Name	Root	CAL (mm)	weight (gallons)	Spacing (m)	Total Qty
Trees							
Cc	<i>Carpinus caroliniana</i>	American hornbeam	W.B./B&B	60		5	1
Ov	<i>Ostrya virginiana</i>	ironwood	W.B./B&B	60		5	1
Total quantity of trees to Planted							2
Shrubs							
Sr	<i>Sambucus racemosa</i>	red elderberry	pot		3	1	6
Cr	<i>Cornus racemosa</i>	gray dogwood	pot		3	1	3
Total quantity of shrubs to Planted							9

W.B. = wire basket; B&B = balled and burlapped; Pot = potted

Tree Inventory (abridged)			
Tree #	Species	DBH (cm)	Action
1	<i>Acer platanoides</i> (Norway maple)	33	Injure due to driveway removal
2	<i>Gleditsia triacanthos</i> (honeylocust)	46	Injure due to driveway removal
3	<i>Juglans nigra</i> (black walnut)	23	Injure due to proposed pool
4	<i>Malus sp. (crabapple)</i>	22.5, 21	Remove due to poor condition
5	<i>Malus sp. (crabapple)</i>	34, 20, 12	Remove due to poor condition

TPZ (Tree Protection Zone) Barriers:

- Shall be installed prior to any demolition, excavation or construction activity on the site. The purpose of the barrier is to define the Tree Protection Zone, which is to be protected from any activity throughout the project.
- Shall completely enclose all trees to be preserved, or up to property lines where applicable.
- Shall be located at minimum TPZ requirements or at the tree's dripline, whichever is greater.
- Shall be continuous rigid and immovable solid wood hoarding. Plywood on 1.22 metres (4') high, 2x4 wood frames, secured to the ground and installed with screws not nails.
- ONLY where sightline is a safety issue, the TPZ barrier may be, orange safety fencing mounted on a rigid and immovable 1.22 metres (4') high, 2x4 wood frame, secured to the ground and installed with screws not nails.
- Shall remain in place throughout the entire project, and cannot be altered, moved or removed in any way without the written authorization of City of Markham, Tree Preservation Technician.
- No grade change, storage or temporary storage of any materials or equipment, washing of equipment, nor the dumping of any debris is permitted within this area.

TREE PROTECTION NOTES (TPN)

TPN1. Driveway removal

- The asphalt driveway must remain in place until completion of new house as the asphalt will help disperse loads and serve as a staging area during construction.
- Removal of the existing asphalt driveway within the TPZ of Trees 1 and 2 is to be carried out by hand or using an excavator bucket with a flat edge (no teeth on the bucket). The bucket is only to be used to the depth of the sub-base granular. At no point is the bucket to disturb the soil below. The bucket edge may enter the gravel sub-base to lift the asphalt or away from the soil. The sub-base of gravel and screenings are to be disturbed as little as possible during this process.
- Any bedding of gravel or screenings, if present, may be removed by hand using a steel rake. If any roots are exposed, no further disturbance is permitted, and bedding should remain in place. Tearing of the roots must be avoided. Sandy loam topsoil (50-60% sand; 20-40% silt; 6-10% clay; 2-5% organic; pH 7.5 or less) may be added to match the surrounding grade in the area where the driveway will not be replaced.
- At no point is machinery to be driven on bare soil or exposed screenings once the asphalt has been taken up.

TPN2. Excavation for new pool

- The proposed pool and within the TPZ of Tree 3 must be excavated by hand under arborist supervision.
- Unless identified as significant to the structure, roots may be pruned by a qualified ISA arborist.
- By hand excavation is to be carried out prior to pool work and a report sent to City of Markham verifying the work has been completed.
- Root pruning is carried out in accordance with best arboricultural practices.

TPN3. Removal of dog strangling vine

- It is recommended that the dog strangling vine be removed or controlled with either a herbicide application or by digging within and just beyond the planting area prior to planting.
- If appropriate for the site, chemical control with a foliar application of glyphosate-based herbicide, such as RoundupTM may be used to control populations. Two treatments are recommended for best results in year one, with annual follow-up treatments for 3 or more years, as required. From late May to seed pod development (usually late August / early September). For best results use 2 treatments per growing season (approx. 2 months apart).
- If chemical treatment is not the preferred option, removing the entire root crown by digging is recommended. Hand pulling is not recommended as the plant will send up multiple shoots from root fragments.
- For disposal of plant material, if flowers or seed pods have not formed, allow stems and roots to dry out completely before disposing of them. Alternatively, solarize viable plant material by placing it in sealed black plastic bags and leaving them in direct sunlight covering with a dark-coloured tarp and leave in the sun for 1-3 weeks.

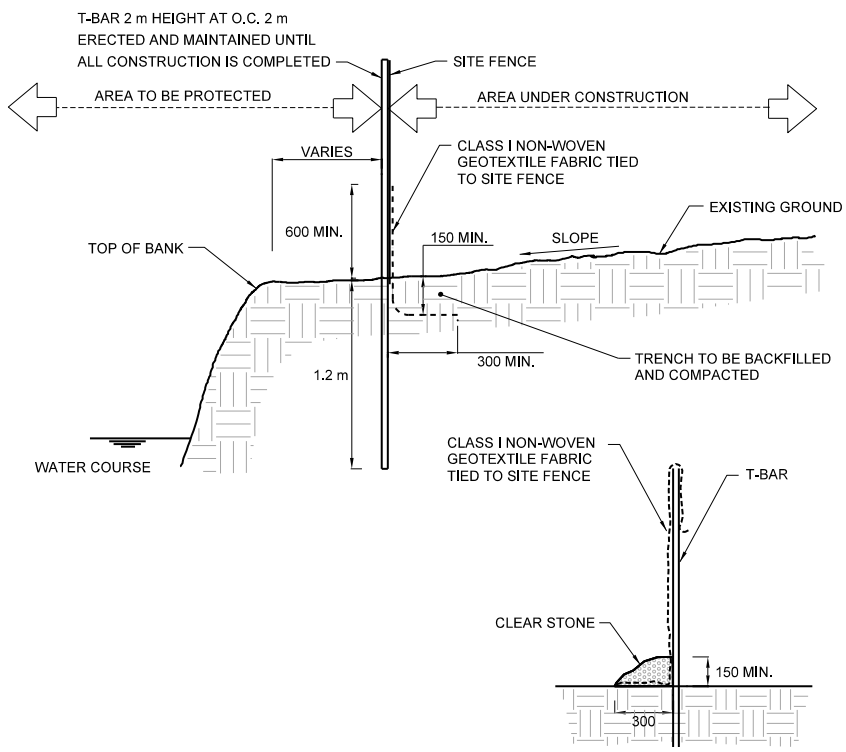
TPN4. Rear fence removal and replacement

- With approval from the City of Markham, the existing wood fence may be removed by hand prior to the installation of the tree protection / TPZ barriers.
- The new fence within the TPZ of Tree 3 is to take place after completing the construction of the house and pool and be completed by hand under arborist supervision.
- Tree protection barriers may be adjusted, but sediment control fencing must be kept in place.

NATIVE SEED MIX NOTES

- 8275-WOODLAND SEED MIX
- 10% FOXGLOVE BEARDTONGUE (PENSTEMON DIGITALIS)
- 1% BEBB'S SEDGE (CAREX BEBBII)
- 1% NODDING/FRINGED SEDGE (CAREX CRINITA)
- 50% FOWL BLUEGRASS (POA PALUSTRIS)
- 30% SHOWY TICK TREFLOIL (DESMODIUM CANADENSE)
- 1% FOWL MANNA GRASS (GLYCERIA STRIATA)
- 2% SPOTTED JOE PYE WEED (EUPATORIUM MACULATUM)
- 1% CANADA ANEMONE (ANEMONE CANADENSIS),
- 4% WHITE AVENS (GEUM CANADENSE)

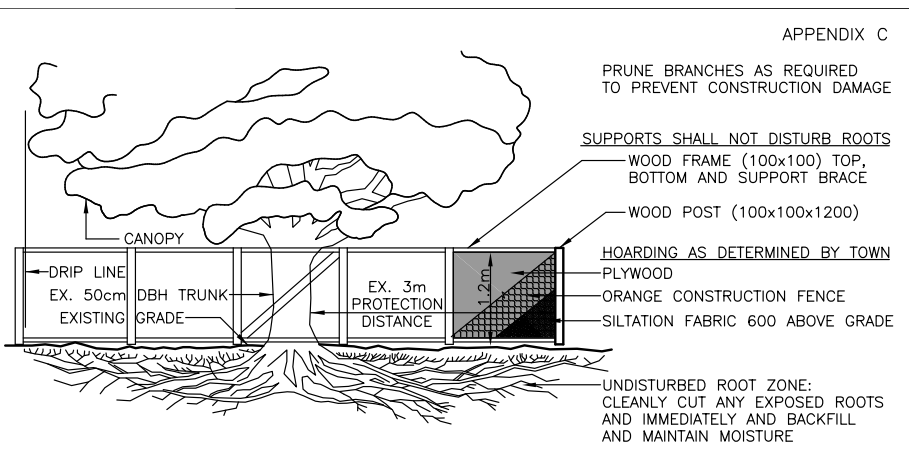
- SEEDS ARE TO BE SOWN IN LATE FALL OR EARLY SPRING.
- SOW WITH A NURSE CROP OF COMMON OATS (AVENA SATIVA) TO HELP OUT-COMPETE WEEDS AND PREVENT WASHING OUT IN HEAVY RAINS WHILE THE NATIVE SEED MIX IS GERMINATING.
- USING EQUAL PARTS COMMON OATS AND 8275-WOODLAND SEED MIX IS RECOMMENDED.
- APPLICATION RATE: SOW SEED MIX AT 500 g/180 m² OR 25 kgs/ha. SOW NURSE CROP (COMMON OATS) AT 22kg/ha (200lbs/acre).



- NOTES:
- MATERIALS REMOVED FROM TRENCH SHALL BE REPLACED ON TOP OF HORIZONTAL PORTION OF FILTER CLOTH.
 - FILTER CLOTH SHALL BE HORIZONTALLY OVERLAPPED 500 mm.
 - SILT FENCE INSTALLATION WORK SHALL AVOID THE DESTRUCTION OF EXISTING WOODY VEGETATION (EG. SHRUBS AND TREES) OTHER THAN THOSE SPECIES WHICH MAY HAVE BEEN APPROVED FOR REMOVAL.

FROZEN CONDITION

All dimensions are in millimetres unless otherwise shown.



MINIMUM TREE PROTECTION DISTANCE FROM TRUNK:

< 10cm DBH	1.2m
10-29cm DBH	1.8m
30-40cm DBH	2.4m
41-50cm DBH	3.0m
51-60cm DBH	3.6m
61-70cm DBH	4.2m
71-80cm DBH	4.8m
81-90cm DBH	5.4m
91-100cm DBH	6.0m
> 100cm DBH	6cm/1cm ϕ

(DIAMETER AT BREAST HEIGHT) DBH = TRUNK DIAMETER AT 1.4m HEIGHT

- TREE PROTECTION NOTES:**
- ALL TREE PROTECTION BARRIERS SHALL BE IN PLACE AND APPROVED BY THE TOWN PRIOR TO CONSTRUCTION ACCESS.
 - ALL SUPPORTS AND STAKES SHALL BE OUTSIDE THE TREE PROTECTION ZONE AND SHALL MINIMIZE ROOT DAMAGE.
 - TREE PROTECTION BARRIERS SHALL REMAIN IN PLACE AND IN GOOD CONDITION UNTIL ALL CONSTRUCTION IS COMPLETE AND APPROVED BY THE TOWN.
 - ALL ARBORICULTURE WORK SUCH AS PRUNING OF BRANCHES AND ROOTS, SHALL BE DONE BY A QUALIFIED TREE WORKER CERTIFIED WITH THE INTERNATIONAL SOCIETY OF ARBORICULTURE APPROVED BY THE TOWN.

40cmx60cm SIGN MOUNTED ON ALL SIDES OF BARRIER

MARKHAM

TREE PROTECTION ZONE

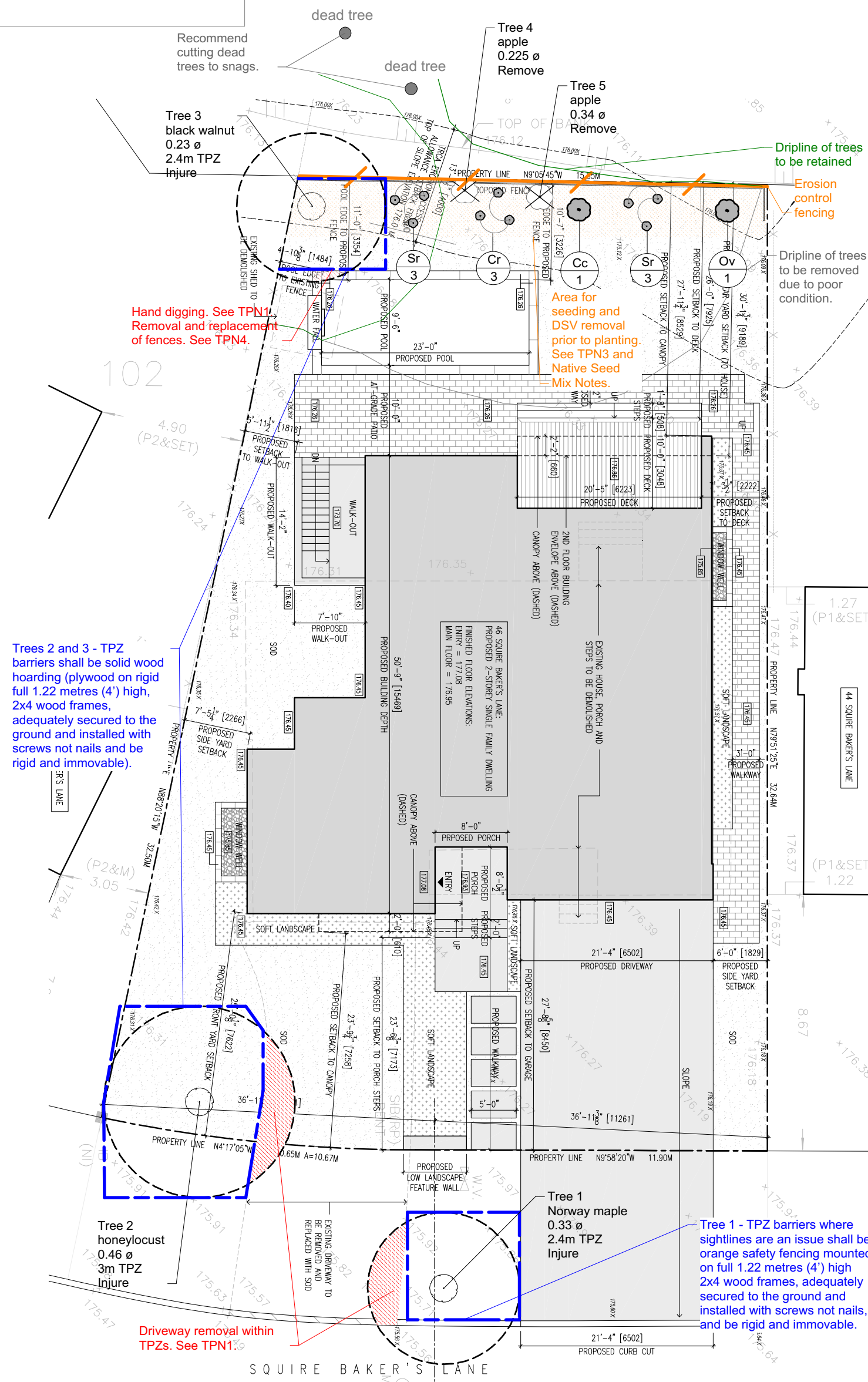
NO WORK IS PERMITTED WITHIN THE TREE PROTECTION ZONE INCLUDING GRADING, CONSTRUCTION ACCESS AND MATERIAL STORAGE.

BREACH OF TREE PROTECTION ZONE IS SUBJECT TO A FINE OF \$ _____

CONTACT TOWN OF MARKHAM FOR MORE INFORMATION: 905-477-5530

TREE PRESERVATION DETAILS

MARKHAM THE CORPORATION OF THE TOWN OF MARKHAM	SCALE: N.T.S.	DATE: JUNE 2009	DRAWING NO: T-1
--	---------------	-----------------	-----------------



Trees 2 and 3 - TPZ barriers shall be solid wood hoarding (plywood on rigid full 1.22 metres (4') high, 2x4 wood frames, adequately secured to the ground and installed with screws not nails and be rigid and immovable).

Tree 1 - TPZ barriers where sightlines are an issue shall be, orange safety fencing mounted on full 1.22 metres (4') high 2x4 wood frames, adequately secured to the ground and installed with screws not nails, and be rigid and immovable.

GENERAL NOTES

- This plan is to be read in conjunction with the arborist report prepared by Cohen & Master Tree and Shrub Services Ltd. dated March 17, 2021.
- Cohen & Master Tree and Shrub Services Ltd. provided the tree numbers, tree protection comments, and icons for Trees 4 & 5 (locations approximate). All other information was provided on a site plan prepared by Nelson Kwong Architect dated March 15, 2021.

SITE 46 SQUIRE BAKERS LANE, MARKHAM	TITLE TREE PRESERVATION AND PLANTING PLAN	SHEET I/I
SCALE 1:100	FILE #: 46530	TPP-I

42 Guardsman Road
Thornhill, ON L3T 6L4
416-932-0622
info@cmtrees.com

COHEN & MASTER
TREE AND SHRUB SERVICES

CMTREES.COM BE GOOD TO YOUR TREES.

APPENDIX "D"
TRCA COMMENTS: MAY 4, 2021

May 4, 2021

CFN 64187.06
X-Ref: CFN 62516.19

Uploaded to E-Plan

Justin Leung
Secretary-Treasurer – Committee of Adjustment
City of Markham
101 Town Centre Blvd.
Markham ON L3R 9W3

Dear Mr. Leung:

Re: Minor Variance Application A/053/21
46 Squire Baker's Lane
Owner: Daniel Ling
Agent: Nelson Kwong Architect

This letter acknowledges receipt of the above noted Minor Variance Application in the City of Markham, circulated to Toronto and Region Conservation Authority (TRCA) on April 20, 2021. TRCA staff have reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA’s jurisdiction. A list of the documents received and reviewed can be found in Appendix ‘A’ of this letter.

Purpose of the Application

It is our understanding that the purpose of the application is to request relief from By-law 1229, as amended, as it relates to a proposed detached dwelling:

- a) **By-law 99-90, Sec. 1.2 (i)**: maximum building height of 8.34m, whereas by-law permits a maximum of 8.0m.
- b) **By-law 99-90, Sec. 1.2 (vi)**: maximum floor area ratio of 56.51 percent, whereas by-law permits a maximum of 45 percent.

Applicable Policies and Regulations

Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the *Planning Act*, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

Section 2.1 provides policies for the protection of natural features and areas. It is of note that Section 2.1.8 of the PPS states that development and site alteration shall not be permitted on lands adjacent to certain natural features or areas unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Through a MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry, the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to Conservation Authorities where the province is not involved. TRCA staff note that Section 3.1 of the PPS generally directs development and site alteration to locations outside of hazardous lands that would be impacted by flooding hazards and/or erosion hazards and prohibits development in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, unless it has been demonstrated that the site has safe access. The PPS also directs planning authorities to consider the potential impacts of climate change that may increase the risk associated with natural hazards.

Ontario Regulation 166/06

Based on the available information at this time, the majority of the subject property is located within TRCA's Regulated Area under Ontario Regulation 166/06 as it is within and adjacent to a valley associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

'Development' is defined as:

- i) the construction, reconstruction, erection or placing of a building or structure of any kind,
- ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- iii) site grading, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA's Living City Policies

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. These policies describe a "Natural System" made up of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. The LCP recommends that development, infrastructure and site alteration not be permitted within the Natural System, and that these lands be conveyed into public ownership for their long-term protection and enhancement. It is these policies, along with those found in other provincial and municipal plans, documents and guidelines that guide TRCA's review of the subject applications.

Application-Specific Comments

The proposed development has been reviewed through an associated TRCA Concept Development Application (CFN 62516.19) wherein the applicant sought preliminary comments regarding the proposed development. TRCA staff provided comments on two occasions (February 10, 2021 & May 4, 2021) primarily related to the limits of development, erosion and sediment

controls, and the restoration and enhancement of the Natural System. The applicant has generally satisfied TRCA concerns relating to the location of the proposed dwelling, landscaping, and inground pool; however, some minor comments remain which can be addressed through our permit process.

As such, TRCA staff have no objections to this Minor Variance Application.

Review Fees

As per TRCA's role as a commenting agency for *Planning Act* application circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$580 review fee (2018 TRCA Planning Fee Schedule).

An electronic invoice will be sent via email to the property owner for processing of fees through online payment.

Conclusion

Based on our review of this submission, TRCA staff have no objections to this Minor Variance Application, subject to the following condition:

1. That the applicant remit TRCA's review fee of \$580 for the subject application; and,
2. That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.

TRCA also requests notification of any decisions made by the City on this application and, if applicable, any appeals that may be made to the Local Planning Appeal Tribunal by any party in respect to this application.

We trust these comments are of assistance. Should you have any questions, please contact the undersigned.

Sincerely,

Dan Nguyen
Planner I, Development Planning and Permits
dan.nguyen@trca.ca, 416-661-6600 ext. 5306

DN/mb

Appendix 'A': Materials Reviewed by TRCA

- Drawing A100 – Site Plan, revision 3, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A101 – Site & Building Statistics, revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A200 – Basement (Cellar) Plan, revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A201 – First Floor Plan, revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A202 – Second Floor Plan, revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A300 – Building Elevation: Front (East), revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A301 – Building Elevation: Side (South), revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A302 – Building Elevation: Rear (West), revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Drawing A303 – Building Elevation: Side (North), revision 2, prepared by Nelson Kwong Architect, dated April 19, 2021
- Survey – prepared by Mandarin Surveyors Limited, dated February 10, 2021