

Memorandum to the City of Markham Committee of Adjustment

April 23, 2021

File: A/131/20
Address: 4 Almond Ave – Markham, ON (Thornhill)
Applicant: Saeed Hassanirokh & Laila Khayat-Khameneh
Agent: Evans Planning Inc.
Hearing Date: May 5, 2021

The following comments are provided on behalf of the West District team.

The applicant has revised their plans, and is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements under By-law 2237, as amended, as they relate to a proposed two-storey detached dwelling. The revised variances are to permit:

a) Infill By-law 101-90, Section 1.2 (i):

a maximum height of 8.44 m (27.69 ft), whereas the By-law permits a maximum height of 8.0 m (26.25 ft); and

b) Infill By-law 101-90, Section 1 (vii):

A maximum floor area ratio of 53.89%, whereas the By-law permits a maximum floor area ratio of 50.0%.

BACKGROUND

This application was deferred for a second time by the Committee of Adjustment (“the Committee”) on March 24, 2021 to provide the applicant with time to reduce their variances better align with the permissions of the Infill By-law (see Minutes extract in Appendix “D”). A total of eight area residents spoke at the hearing, four of which were in support of the application, and four of which opposed citing the following concerns that:

- The Infill By-law is already generous, and the applicant can build within the Infill By-law requirements;
- The floor area ratio was too high; and
- The neighbourhood is not in transition.

Members of the Committee also expressed concern with the floor area ratio, building height, and side yard setbacks which were previously requested. Staff are of the opinion that Almond Avenue is a relatively stable street that has not experienced the same amount of infill redevelopment that other streets within the surrounding area have experienced; however, the surrounding area is in transition, as evidenced by newer infill redevelopments replacing the original housing stock along nearby streets.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has not completed a ZPR for the revised drawings. Consequently, it is the applicant’s responsibility to ensure that the application has accurately identified all of the variances to the 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 at the

Building Permit stage, further variance application(s) may be required to address any non-compliances.

COMMENTS

The applicant submitted revised plans, and is proposing further reductions to three of the requested variances.

Refer to the staff memorandum dated March 15, 2021 for previous variance details (Appendix "C").

The applicant has made reductions to the width and depth of the dwelling, and is no longer requesting reductions to the side yard setbacks. The applicant has also reduced the building height and floor area ratio from their previous request by approximately 0.20 m (0.66 ft) and 4.07%, respectively, to address concerns expressed by area residents and Members of the Committee. The revisions have resulted in a smaller two-storey single detached dwelling than previously proposed, with a new first floor area of 159.68 m² (1,718.78 ft²), a second floor area of 153.10 m² (1,647.96 ft²), for a total gross floor area of 312.78 m² (3,366.74 ft²).

With consideration to the revisions made, staff are satisfied that the applicant is seeking variances that are minor in nature, and which make for an appropriate development of the lot. Accordingly, staff have no objections.

Increase in Maximum Building Height

The applicant is requesting a maximum height of 8.44 m (27.69 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 0.44 m (1.44 ft).

The reduction in height better aligns with the Infill By-law requirement for a dwelling with a flat roof. Staff comments noted in the previous staff report which relate to the proposed maximum height remain applicable.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 53.89%, whereas the By-law permits a maximum floor area ratio of 50.0%. The requested variance would facilitate the construction of a two-storey detached dwelling with a floor area of 312.91 m² (3,368.14 ft²), which is an increase of 22.59 m² (243.14 ft²) from the maximum floor area of 290.32 m² (3,125.0 ft²) permitted by the By-law.

Staff are of the opinion that the request is minor in nature, and that comments noted in the previous staff report which relate to the maximum floor area ratio remain applicable.

PUBLIC INPUT SUMMARY

No new written submissions were received as of April 23, 2021.

It is noted that additional information may be received after the writing of this 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*, and have no objections. Staff recommend that the Committee considers 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" – Staff Reports: January 25, 2021 & March 15, 2021

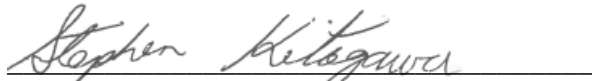
Appendix "D" – Minutes Extract: March 24, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting-Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/131/20

1. The variances apply only to the subject 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. 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 Tree Preservation Technician, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician that this condition has been fulfilled to his or 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, 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.
5. That tree replacements be provided and, or tree replacement fees be paid to the City if required, in accordance with the Tree Preservation Technician's review of 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.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/131/20



ZONING REQUIREMENTS:

ZONING: R4
 MIN LOT FRONTAGE: 50 feet
 MIN LOT AREA: 6250 sq.ft.
 MIN FRONT YARD SETBACK: 27 feet (8.23m)
 MIN SIDE YARD SETBACK (2 STOREY): 1.8 m
 MIN REAR YARD SETBACK: 25 feet (7.62 m)
 MAXIMUM BUILDING HEIGHT (FLAT ROOF): 8 m
 MAX LOT COVERAGE = 33 1/3%
 MAX PERMITTED YARD ENCROACHMENTS: 18"
 MAX BUILDING DEPTH: 16.8 m
 18.9m by an extension to the rear of the dwelling if the extension:
 - does not exceed one storey,
 - does not exceed 4.6 m in height,
 - set back from all lot lines a minimum of the greater of 3.0 m, or the minimum required setback; and,
 - is not wider than one-half the width of the dwelling at its widest point.
 MAX FLOOR AREA RATIO: 50%
 MAX GARAGE PROJECTION: 2.1 m

SITE DATA:

4 ALMOND AVE.
 LOT#172

LOT DIMENSIONS:

FRONT (EAST)	15.24 m
NORTH SIDE	38.10 m
SOUTH SIDE	38.10 m
REAR (WEST)	15.24 m
AREA	580.64 m2

SETBACKS:

FRONT	8.23 m
NORTH SIDE YARD	1.50 m (First Floor) 1.80 m (Second Floor)
SOUTH SIDE YARD	1.80
REAR YARD	11.90m

BUILDING DATA:

GROUND FLOOR AREA (INCLUDING GARAGE)	159.68 m2
SECOND FLOOR AREA	153.10 m2
CELLAR AREA	129.20 m2

TOTAL BUILDING AREA*
(INCLUDING GARAGE)
(EXCLUDING BASEMENT)

FLOOR AREA RATIO: 53.89%

LOT COVERAGE:

LOT AREA	580.64 m2
BLDG FOOTPRINT AREA (INCL GARAGE)	165.30 m2
COVERAGE	28.47 %

PROPOSED BUILDING HEIGHT:

FROM CENTER LINE OF PAVING TO HIGHEST POINT OF ROOF: 8.44 m

DRAWING LIST

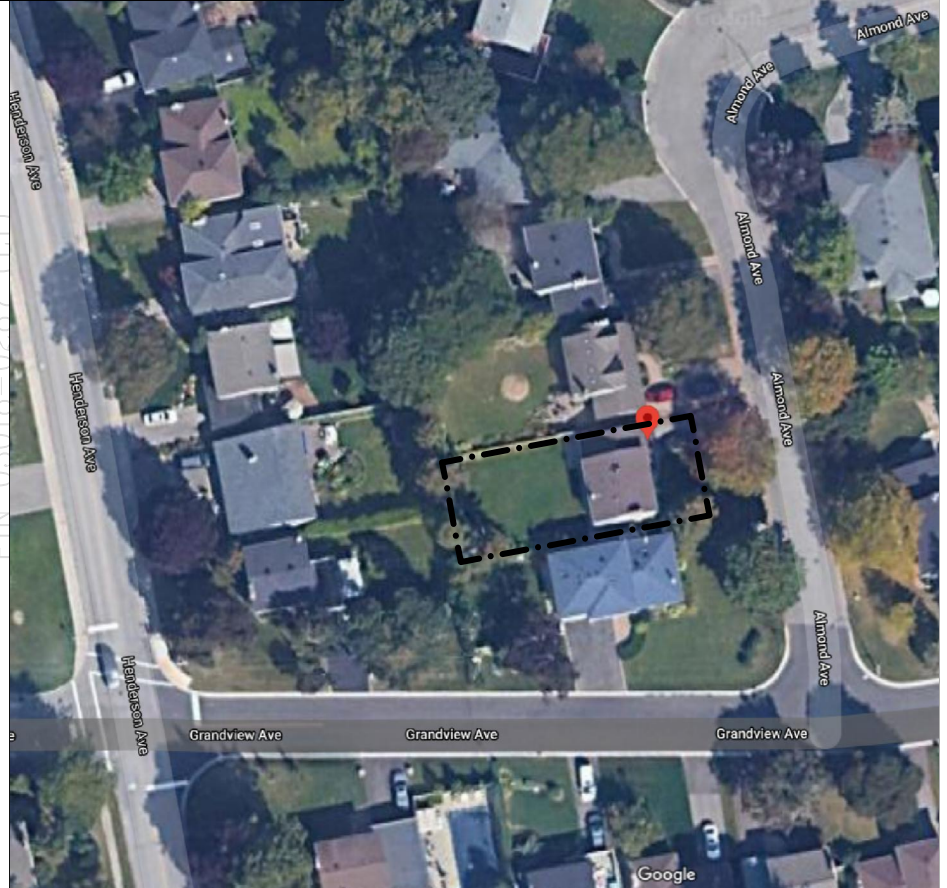
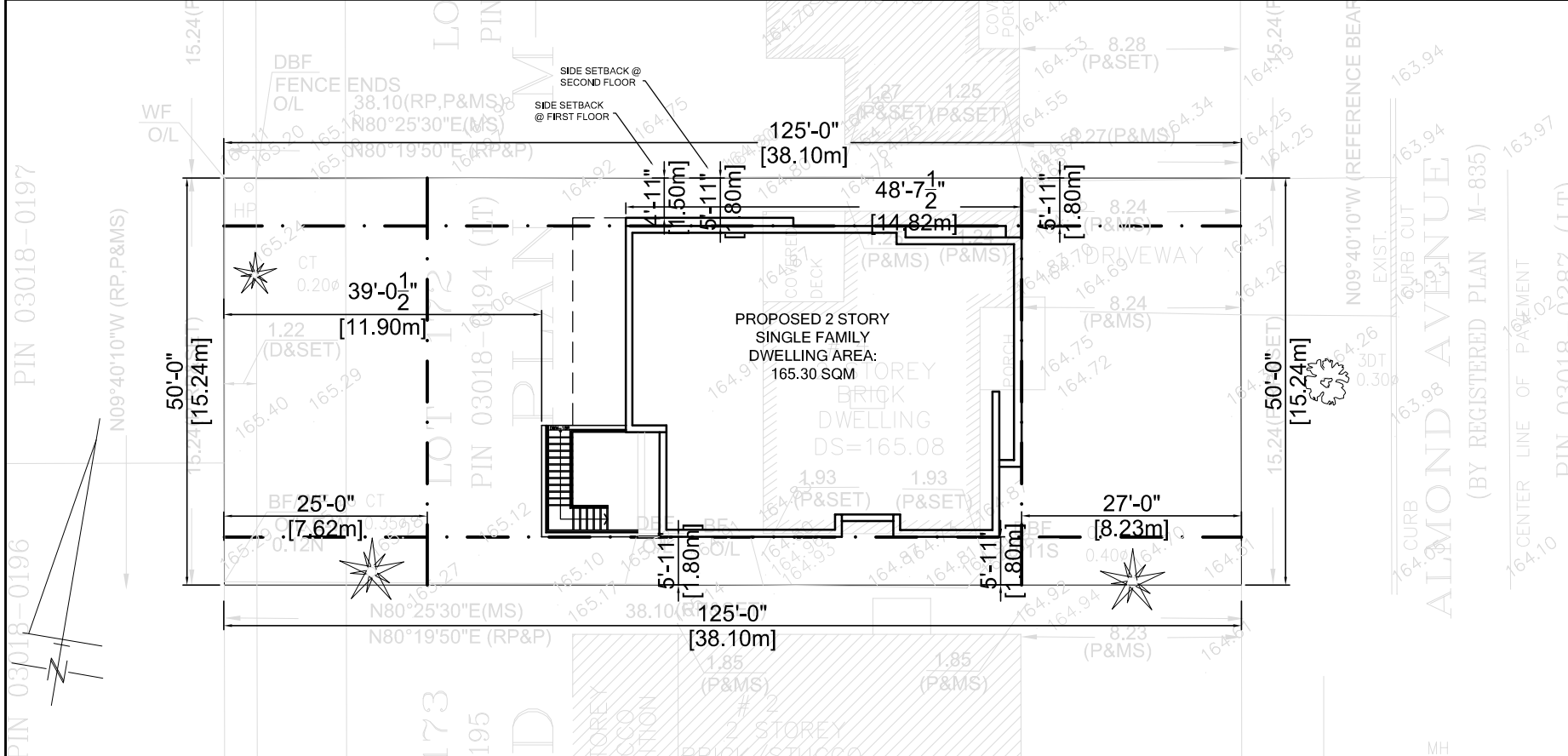
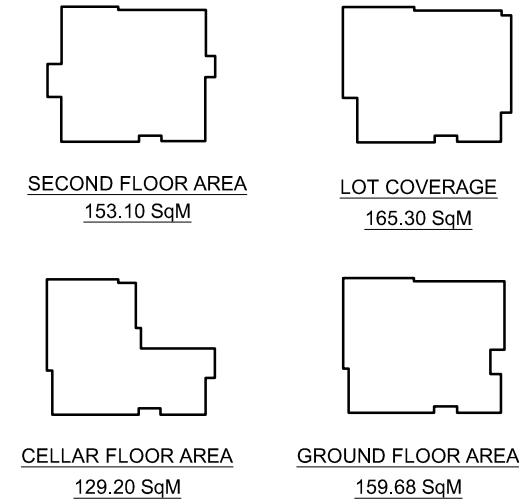
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- A1.0 SITE PLAN
- A1.1 CELLAR FLOOR PLAN
- A1.2 GROUND FLOOR PLAN
- A1.3 SECOND FLOOR PLAN
- A2.1 NORTH & EAST ELEVATIONS
- A2.2 EAST & WEST ELEVATIONS
- A4.1 SECTIONS
- A4.2 SECTIONS
- A4.3 SECTIONS

Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21

MM/DD/YY



PROJECT NO: 105
 PROJECT TITLE: 4 ALMOND RESIDENTIAL
 4 ALMOND AVENUE, MARKHAM

DWG. NO: A0.1
 SHEET TITLE: COVER PAGE

ISSUED FOR: ZONING REVIEW

SCALE: UNSCALED
 DATE: 2021-04-09
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 CHECKED BY: —

Appendix B

File: 20.134833.000.00.MNV

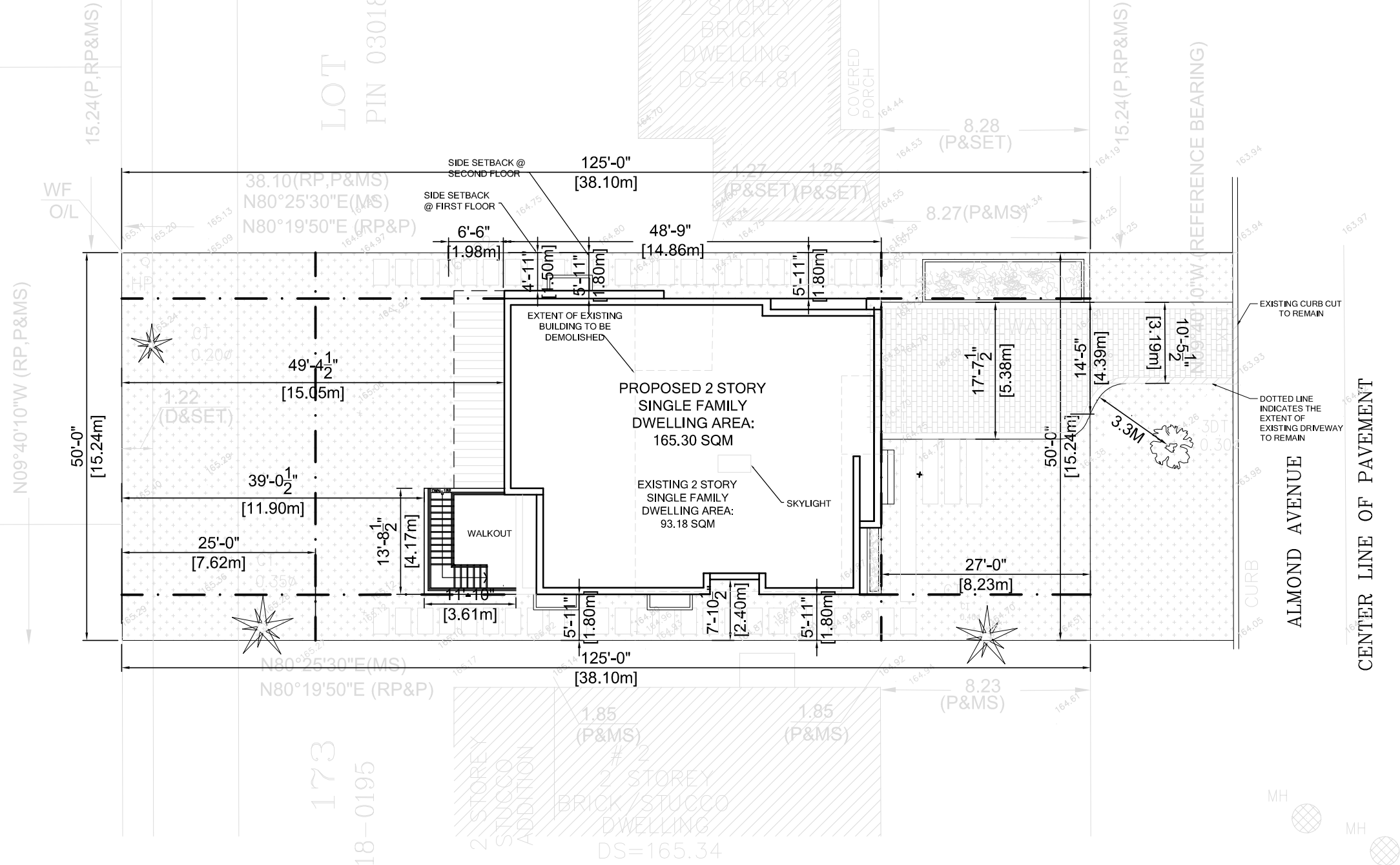
Date: 04/29/21
MM/DD/YY

LOT 174
PIN 03018-0196

LOT 175
PIN 03018-0197

LOT 171
PIN 03018-0193

LOT 173
PIN 03018-0195



1 | SITE PLAN
SIC: 1/16" = 1'

PROJECT NO: 105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO: A1.0

SHEET TITLE: SITE PLAN

ISSUED FOR: ZONING REVIEW

SCALE: 1/16" = 1'

DATE: 2021-04-09

DRAWN BY: THL

CHECKED BY: —

Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY

PROJECT NO:
105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:
A1.1-1

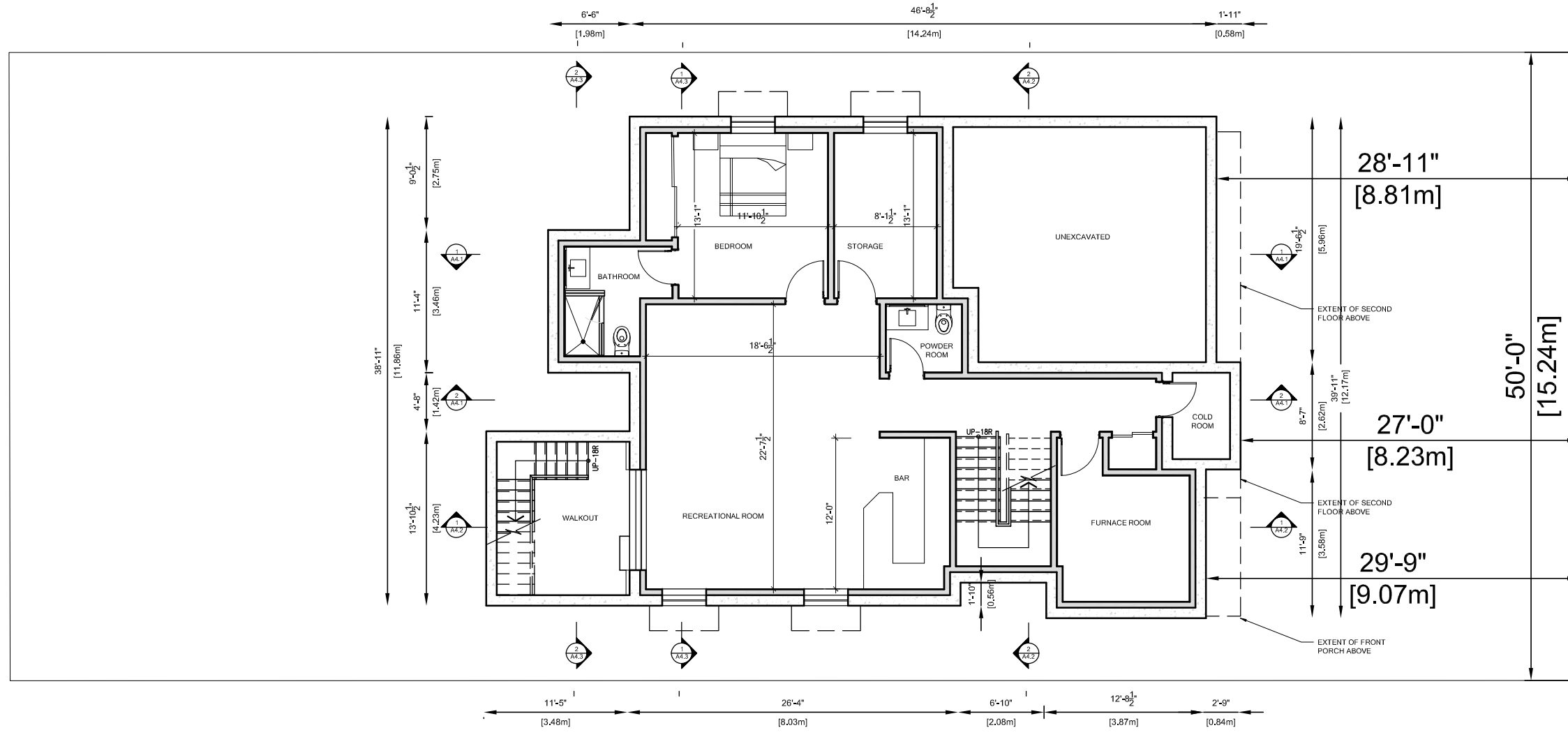
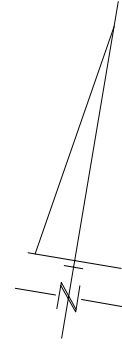
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BASEMENT FLOOR PLAN

PROJECT TITLE:

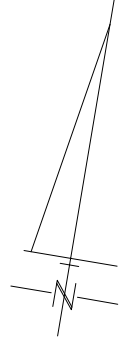
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DATE: 2021-03-02

DRAWN BY: THL
CHECKED BY: ---



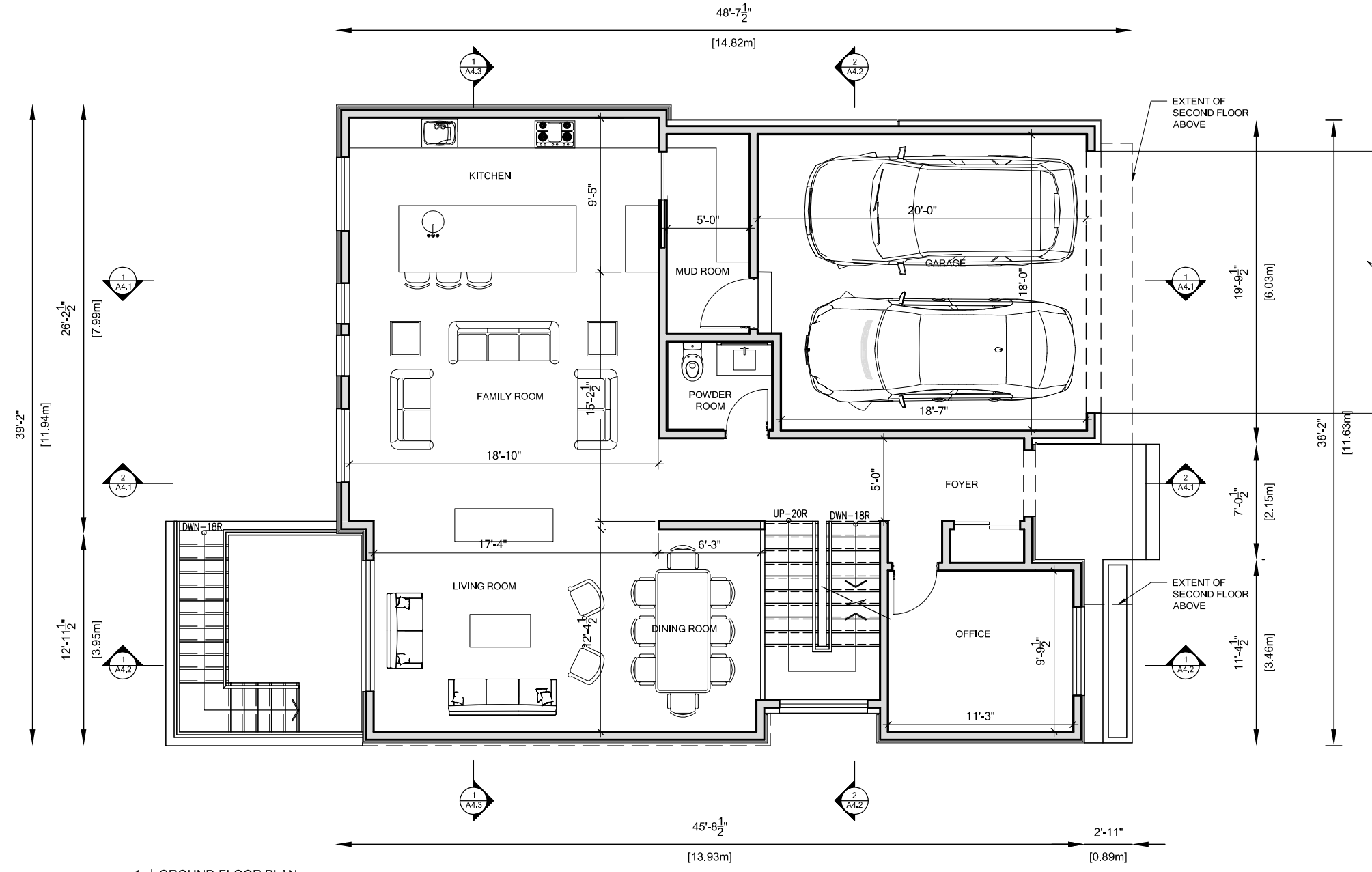
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SC: 3/32" = 1"



Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY



1 GROUND FLOOR PLAN
SIC 1/8"-1"

PROJECT NO:

105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:

A1.2

SHEET TITLE:
GROUND FLOOR PLAN

ISSUED FOR: REVIEW

DRAWN BY:

THL

CHECKED BY:

SCALE:

1/8" = 1'

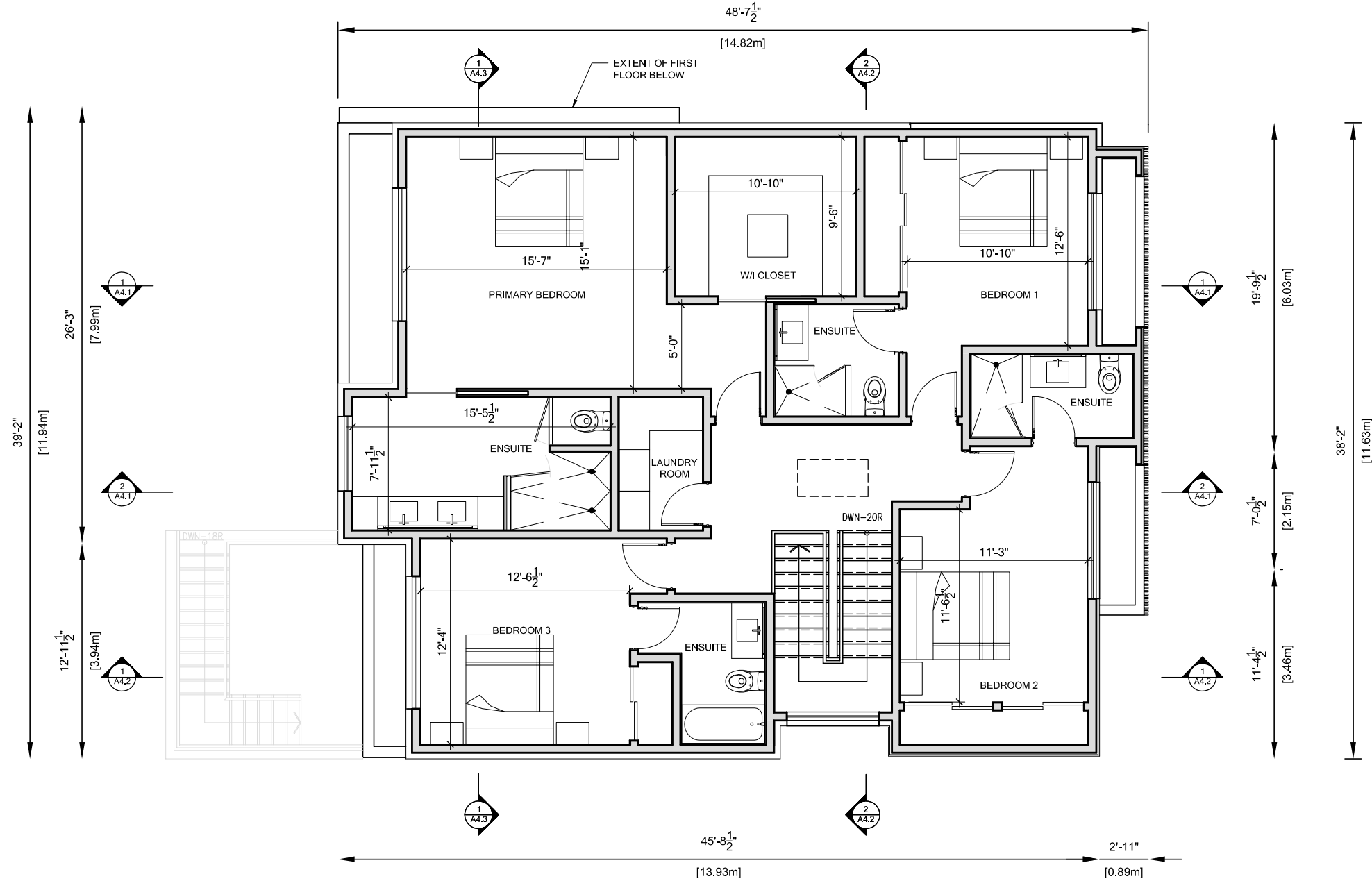
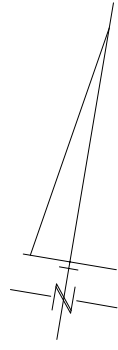
DATE:

2021-04-09

Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY



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

PROJECT NO: 105
PROJECT TITLE: 4 ALMOND RESIDENTIAL
4 ALMOND AVENUE, MARKHAM

DWG. NO: A1.3
SHEET TITLE: SECOND FLOOR PLAN

ISSUED FOR: REVIEW

SCALE: 1/8"=1'-0"
DATE: 2021-04-09
DRAWN BY: THL
CHECKED BY: —

Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY

PROJECT NO:

105

PROJECT TITLE:

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:

A1.4

SHEET TITLE:

ROOF PLAN

ISSUED FOR: ZONING REVIEW

DRAWN BY:

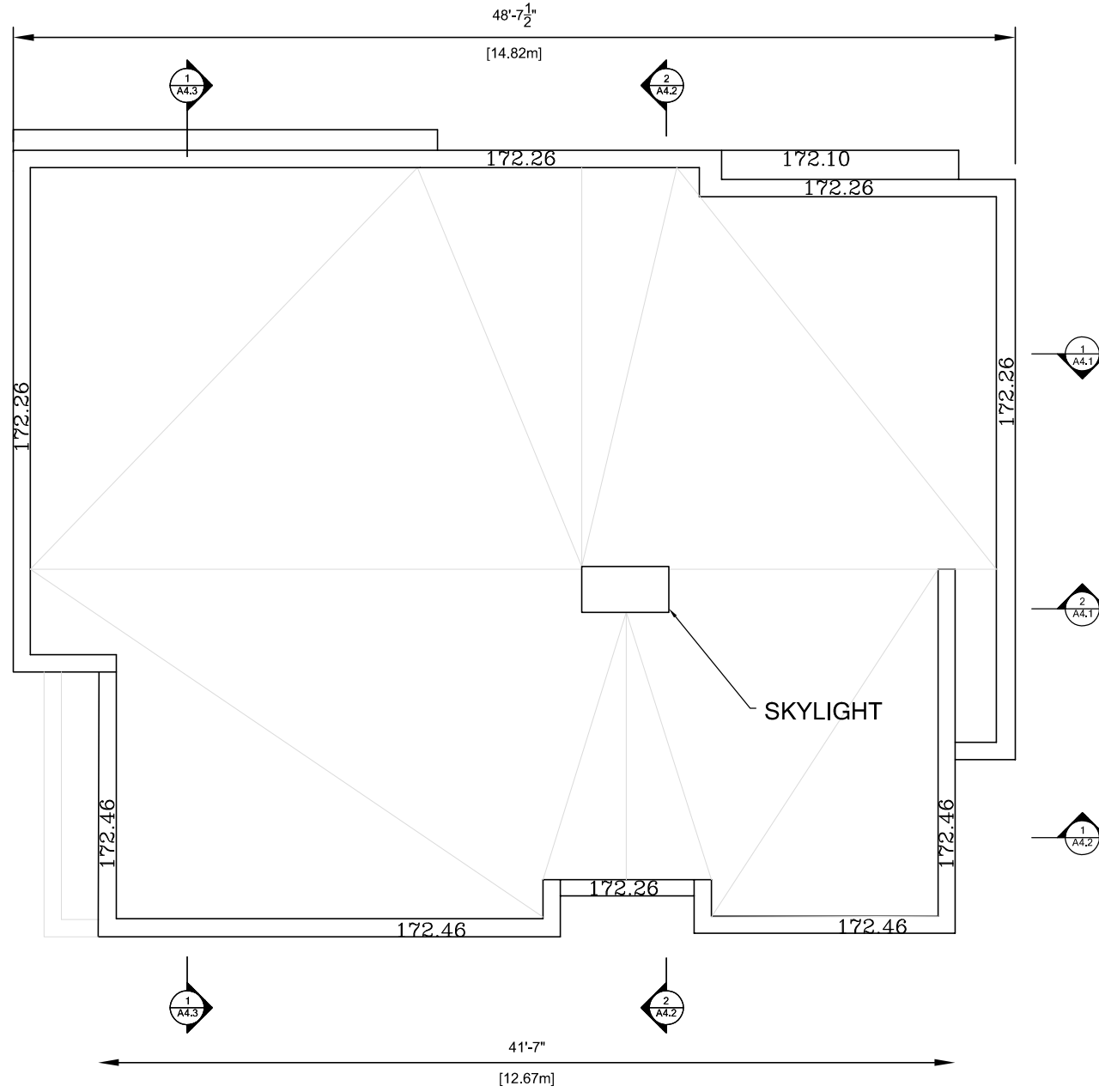
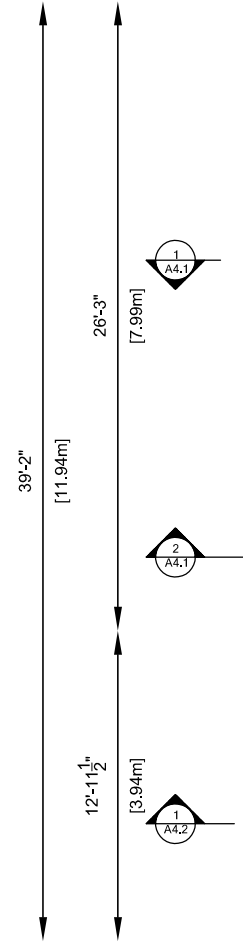
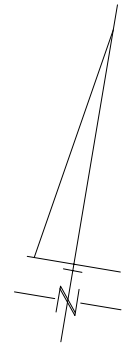
THL

CHECKED BY:

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SCALE:
1/8"=1'

DATE: 2021-04-09



1 | BASEMENT FLOOR PLAN

Scale: 1/8" = 1'

48'-7 1/2" [14.82m]

Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY



1 EAST ELEVATION
SCALE: 1/8" = 1'



2 WEST ELEVATION
SCALE: 1/8" = 1'

PROJECT NO: 105
PROJECT TITLE: 4 ALMOND RESIDENTIAL
4 ALMOND AVENUE, MARKHAM

DWG. NO: A2.1
SHEET TITLE: EAST & WEST ELEVATIONS

ISSUED FOR: ZONING REVIEW

DRAWN BY: THL
CHECKED BY: —

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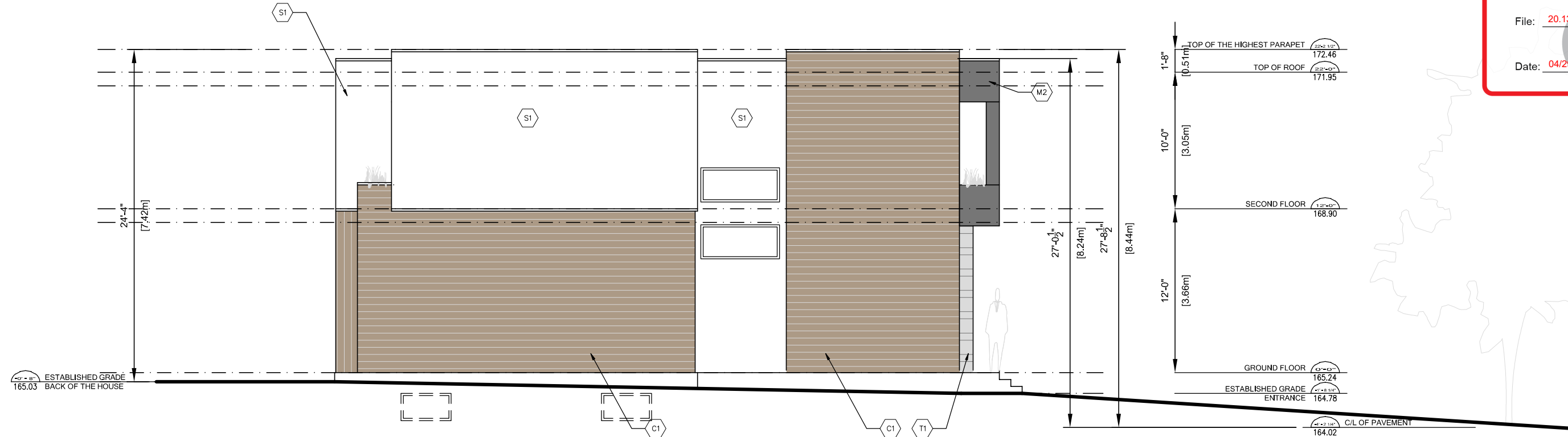
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Appendix B

File: 20.134833.000.00.MNV

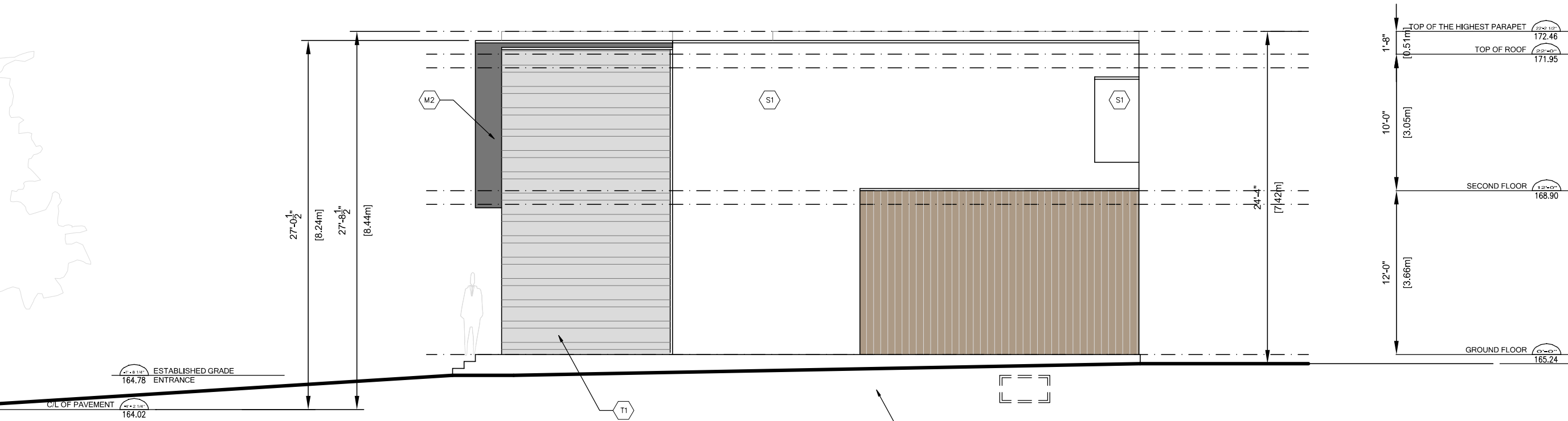
Date: 04/29/21

MM/DD/YY



1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION

SCALE: 1/8" = 1'-0"

PROJECT NO:

105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

PROJECT TITLE:

DWG. NO:

A2.2

SHEET TITLE:

NORTH & SOUTH ELEVATIONS

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

CHECKED BY:

SCALE:

1/8" = 1'-0"

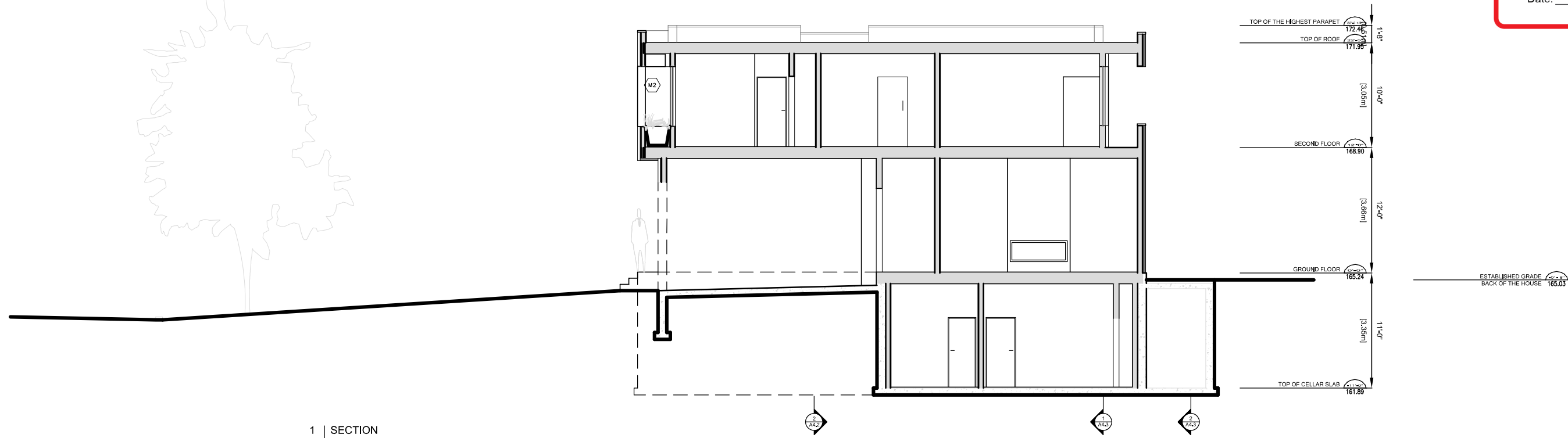
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2021-04-09

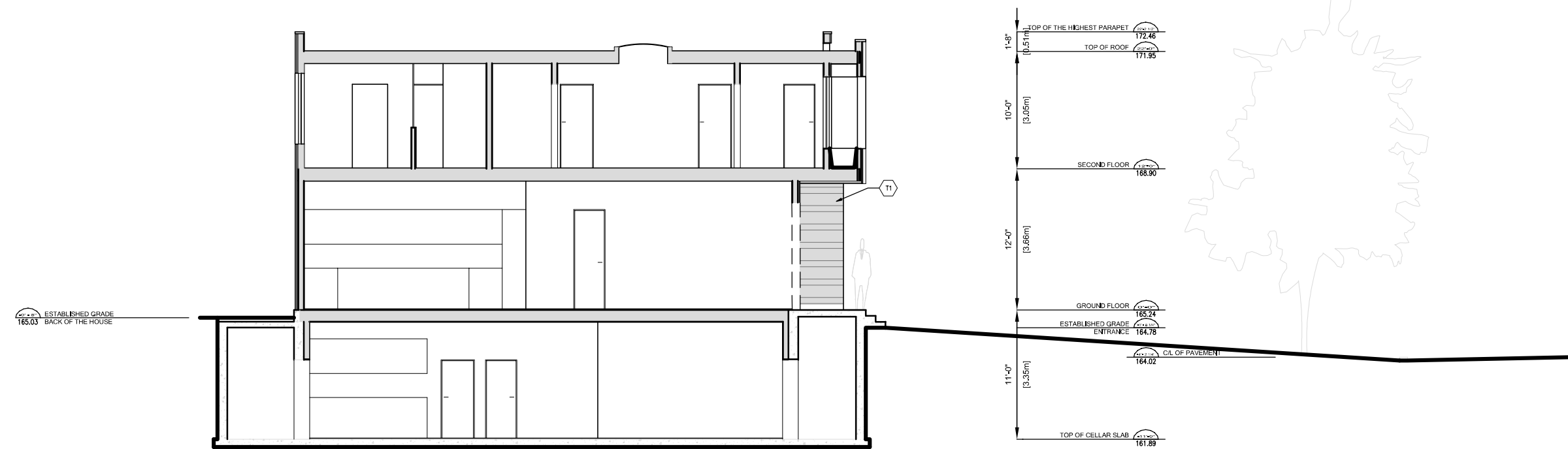
Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY



1 SECTION
Scale: 3/32" = 1'



2 SECTION
Scale: 3/32" = 1'

PROJECT NO: 105
PROJECT TITLE: 4 ALMOND RESIDENTIAL
4 ALMOND AVENUE, MARKHAM
DWG. NO: A4.1
SHEET TITLE: SECTIONS

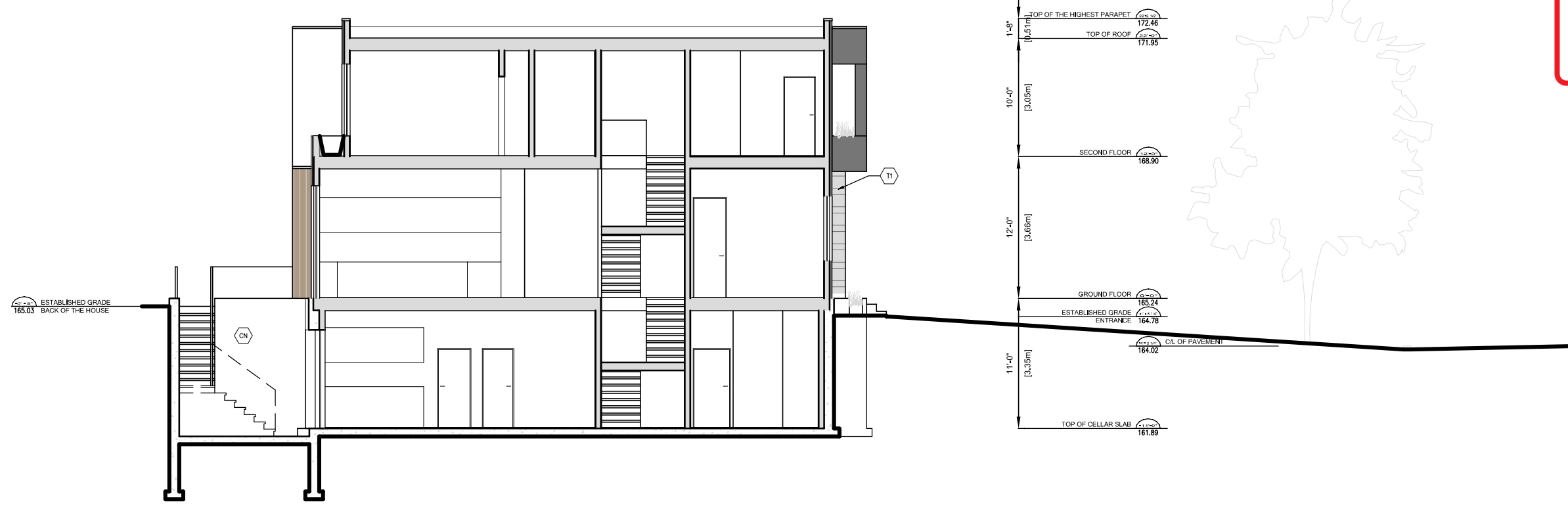
ISSUED FOR: ZONING REVIEW

SCALE: 3/32"=1'
DATE: 2021-04-09
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CHECKED BY: —

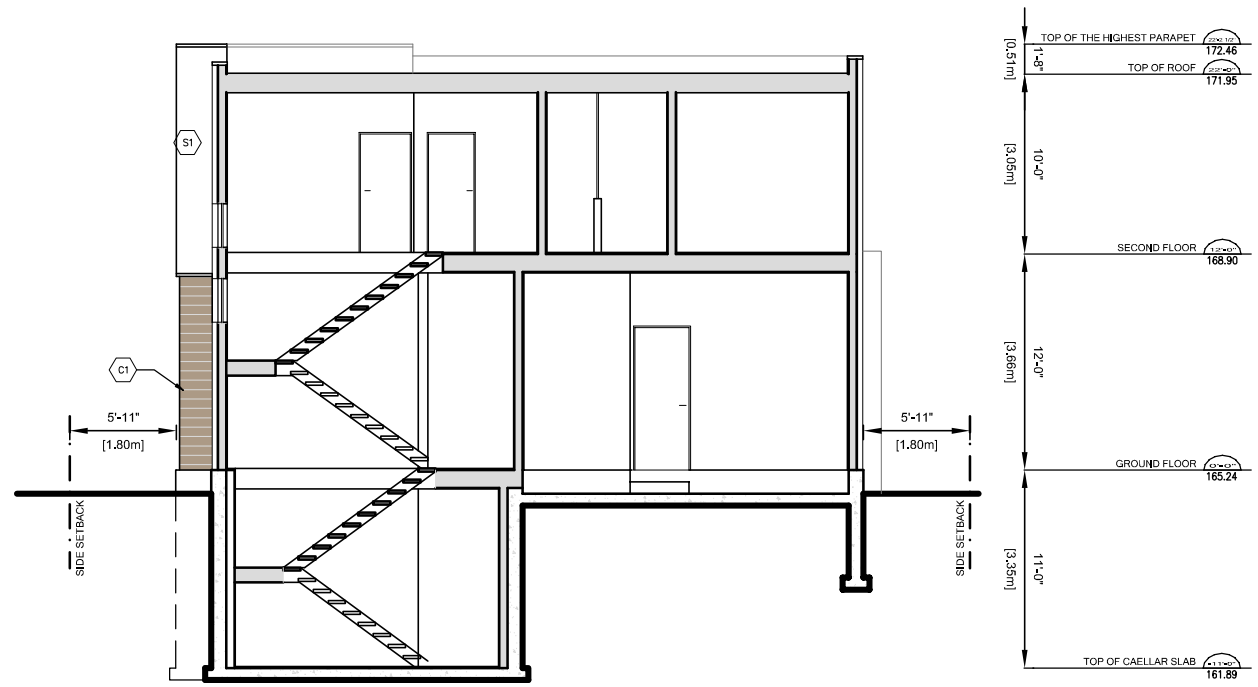
Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY



1 SECTION
Scale: 3/32" = 1'



2 SECTION
Scale: 3/32" = 1'

PROJECT NO: 105
PROJECT TITLE: 4 ALMOND RESIDENTIAL
4 ALMOND AVENUE, MARKHAM

DWG. NO: A4.2
SHEET TITLE: SECTIONS

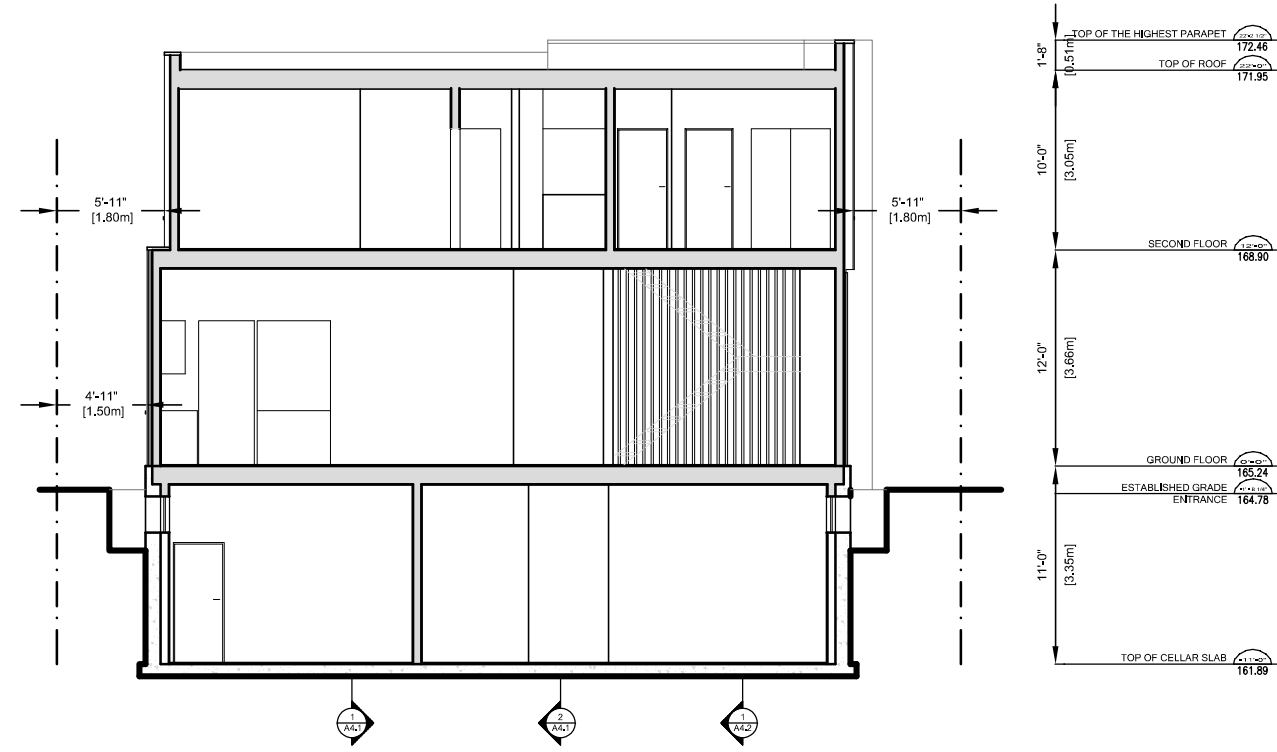
ISSUED FOR: ZONING REVIEW

SCALE: 3/32" = 1'
DATE: 2021-04-09
DRAWN BY: THL
CHECKED BY: ---

Appendix B

File: 20.134833.000.00.MNV

Date: 04/29/21
MM/DD/YY



2 | SECTION
SCALE: 3/32" = 1'

PROJECT NO:

105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:

A4.3

SHEET TITLE:

SECTIONS

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

CHECKED BY:

SCALE:

3/32" = 1'

DATE:

2021-04-09

APPENDIX "C"
STAFF REPORTS: JANUARY 25, 2021 & MARCH 15, 2021

Memorandum to the City of Markham Committee of Adjustment

March 15, 2021

File: A/131/20
Address: 4 Almond Ave – Markham, ON (Thornhill)
Applicant: Saeed Hassanirokh & Laila Khayat-Khameneh
Agent: Evans Planning Inc.
Hearing Date: March 24, 2021

The following comments are provided on behalf of the West District team.

The applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements under By-law 2237, as amended, as they relate to a proposed two-storey detached dwelling. The variances are to permit:

a) Section 6.1:

a minimum side yard setback of 1.52 m (4.99 ft), whereas the By-law requires a minimum side yard setback of 1.80 m (5.91 ft);

b) Infill By-law 101-90, Section 1.2 (i):

a maximum height of 8.64 m (28.35 ft), whereas the By-law permits a maximum height of 8.0 m (26.25 ft); and

c) Infill By-law 101-90, Section 1 (vii):

A maximum floor area ratio of 57.96%, whereas the By-law permits a maximum floor area ratio of 50.0%.

BACKGROUND

This application was deferred by the Committee of Adjustment (“the Committee”) on February 3, 2021 to provide the applicant time to make modifications to the plans to better align with the scale of dwellings as permitted by the Infill By-law (see initial Staff Report in Appendix “D”). The applicant submitted revised plans with reductions of 0.42 m (1.38 ft) and 3.04% to the initial building height and floor area ratio requests, respectively.

A total of eight written submissions were received as of the writing of the initial staff report (January 25, 2021), three of which were in support, and five of which objected to the original variance requests.

Property Description

The 580.60 m² (6,249.53 ft²) subject property is located on the west side of Almond Avenue, north of Grandview Avenue, east of Henderson Avenue, and west of Bayview Avenue. The property is developed with a two-storey detached dwelling, which according to assessment records was constructed in 1961. Mature vegetation exists across the property which is identified within the Tree Preservation Plan (Appendix “C”). The property is located within an established residential neighbourhood which contains a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with a two-car garage. The proposed dwelling would have a ground

floor area of 171.22 m² (1,843.0 ft²), and a second floor area of 165.30 m² (1,779.27 ft²) for a total gross floor area of 336.52 m² (3,622.27 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and 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 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 the retention of existing trees and vegetation, and the width of proposed garages and driveways within a residential neighbourhood.

Zoning By-Law 2237

The subject property is zoned “Fourth Density Single Family Residential (R4)” under By-law 2237, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum side yard setbacks.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill By-law 101-90. 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, front yard setback, 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) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. It is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the 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 “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.

Reduction in Minimum Side Yard Setback

The applicant is requesting a minimum side yard setback of 1.52 m (4.99 ft) on each side, whereas the By-law requires a minimum side yard setback of 1.80 m (5.91 ft) on each

side, except that the minimum side yard setback for a one-storey portion shall be 1.20 m (3.94 ft). This is a reduction of 0.28 m (1.05 ft) which applies only to the two-storey portion of the building, as the main floor complies with the minimum side yard setback requirement for a one-storey portion.

Engineering staff have reviewed the application and have no concern with the variance as it relates to drainage. Additionally, staff note that the applicant has submitted letters from abutting properties municipally addressed 152 Grandview Boulevard, and 6 Almond Avenue which support the proposed development application. Staff do not object to the requested variance.

Increase in Maximum Building Height

The applicant initially requested a maximum height of 9.06 m (29.72 ft). The applicant is requesting a reduced building height of 8.64 m (28.35 ft), whereas the By-law permits a maximum building height of 8.0 m (26.25 ft) for a dwelling with a flat roof. This is an increase of 0.64 m (2.10 ft).

The By-law calculates building height using the vertical distance of a building or structure 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. Staff note that the proposed grade at the front of the dwelling is approximately 0.77 m (2.53 ft) above the crown of road. Therefore, the height from established grade at the front of the dwelling is approximately 7.87 m (25.82 ft).

The By-law permits a maximum height of 8.60 m (28.22 ft) for detached dwellings in the “Fourth Density Single Family Residential (R4)” and “Fourth Density Single Family Residential Special (R4S)” zones, save and except for dwellings with flat rooves. Staff note that building heights within the surrounding area range, and exceed 9.60 m (31.50 ft). The dwelling is proposed to have a flat roof and the requested increase exceeds the By-law requirement in this regard, however, based on staff analysis the request would be within the range of approved heights within the neighbourhood. Staff are therefore of the opinion that the proposed development would meet the general intent of the By-law with respect to the proposed building height.

Increase in Maximum Floor Area Ratio

The applicant initially requested relief to permit a floor area ratio of 61.0%. City staff recommended that the floor area ratio be reduced to better align with the scale of dwellings along the street, and as permitted by the Infill By-law.

The applicant revised their proposal and is now requesting a floor area ratio of 57.96%, whereas the By-law permits a maximum floor area ratio of 50.0%. The variance would facilitate the construction of a two-storey detached dwelling with a floor area of 336.52 m² (3,622.27 ft²), whereas the By-law permits a dwelling with a maximum floor area of 290.32 m² (3,125.0 ft²). This is an increase of approximately 46.20 m² (497.29 ft²).

While the proposed dwelling would be larger than original one and two-storey dwellings along the street and within the surrounding area, which were built circa 1960, staff note that the area is in transition and the requested floor area ratio of 57.96% is a similar

request to other approved infill developments within the surrounding area. Staff have no objections.

Tree Protection & Compensation

The applicant submitted an Arborist Report and Tree Preservation Plan dated January 25, 2021 which shows a total of six trees located on private property, and one City owned tree within the municipal boulevard (Appendix "C"). Four trees are located on the subject property, one in the front yard, and three in the rear yard.

The applicant has worked with staff to taper the driveway away from the City owned tree to lessen any potential impact. The Tree Preservation Plan proposes to install tree fencing and hoarding for the protection of trees located on the subject property. The trees in the rear yard will not be impacted. Based on the Arborist Report and Tree Preservation Plan, the tree located in the front yard along the southerly portion of the property may be impacted by the construction of the new dwelling. The City tree located within the municipal boulevard may also be impacted by the construction access across the northern portions of its tree protection zone. Therefore, the applicant would be required to apply for, and obtain a tree permit to injure the tree located in the front yard of the subject property, and the City tree located in the street allowance. The other two trees identified by the applicant are located in the rear yard of 45 Henderson Avenue, and will not be impacted.

Staff recommend that the tree conditions in Appendix "A" be adopted by the Committee in the event of approval to ensure that the City's Operations staff are to be fully satisfied that the proposed tree protection, and any further mitigation measures are appropriately carried out.

PUBLIC INPUT SUMMARY

A total of seven written submissions were received as of the writing of this report (March 15, 2021), including five letters of support (two of which were submitted by new residents), and two of which object to the proposed development (one of which was a new resident submission). Residents objecting to the proposed development cited the following concerns:

- Character of the existing neighbourhood would not be maintained;
- Height, scale, and size of the building is too large;
- Contemporary appearance and design of the dwelling would be incompatible;
- Inconsistent with other building structures on the street;
- Flooding and drainage; and
- The need for the variances.

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 request meets 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 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

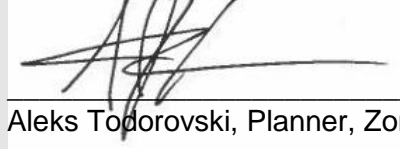
Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Arborist Report & Tree Preservation Plan

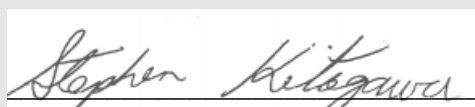
Appendix "D" – Staff Report: January 25, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting-Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/131/20

1. The variances apply only to the subject 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. 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 Tree Preservation Technician, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician 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, 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.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required, in accordance with the Tree Preservation Technician's review of 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.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/131/20



ZONING REQUIREMENTS:

ZONING: R4
 MIN LOT FRONTAGE: 50 feet
 MIN LOT AREA: 6250 sq.ft.
 MIN FRONT YARD SETBACK: 27 feet (8.23m)
 MIN SIDE YARD SETBACK (2 STOREY): 1.8 m
 MIN REAR YARD SETBACK: 25 feet (7.62 m)
 MAXIMUM BUILDING HEIGHT (FLAT ROOF): 8 m
 MAX LOT COVERAGE = 33 1/3%
 MAX PERMITTED YARD ENCROACHMENTS: 18"
 MAX BUILDING DEPTH: 16.8 m
 18.9m by an extension to the rear of the dwelling if the extension:
 - does not exceed one storey,
 - does not exceed 4.6 m in height,
 - set back from all lot lines a minimum of the greater of 3.0 m, or the minimum required setback; and,
 - is not wider than one-half the width of the dwelling at its widest point.
 MAX FLOOR AREA RATIO: 50%
 MAX GARAGE PROJECTION: 2.1 m

SITE DATA:

4 ALMOND AVE.
 LOT#172

LOT DIMENSIONS:

FRONT (EAST)	15.24 m
NORTH SIDE	38.10 m
SOUTH SIDE	38.10 m
REAR (WEST)	15.24 m
AREA	580.64 m2

SETBACKS:

PROPOSED	
FRONT	8.23 m
NORTH SIDE YARD	1.52 m
SOUTH SIDE YARD	1.80 m and partially 1.52 m
REAR YARD	11.57m

BUILDING DATA:

PROPOSED	
GROUND FLOOR AREA (INCLUDING GARAGE)	171.22 m2
SECOND FLOOR AREA	165.30 m2
BASEMENT AREA	135.75 m2

TOTAL BUILDING AREA* (INCLUDING GARAGE) (EXCLUDING BASEMENT)
 336.52 m2

FLOOR AREA RATIO: 57.96%

LOT COVERAGE:

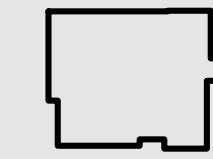
LOT AREA	580.64 m2
BLDG FOOTPRINT AREA (INCL GARAGE)	179.93 m2
COVERAGE	30.99 %

PROPOSED BUILDING HEIGHT:

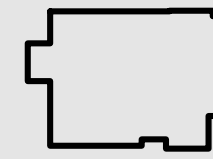
FROM CENTER LINE OF PAVING TO HIGHEST POINT OF ROOF: 8.64 m

DRAWING LIST

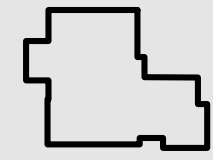
- A0.1 COVER PAGE
- A1.0 SITE PLAN
- A1.1 BASEMENT FLOOR PLAN
- A1.2 GROUND FLOOR PLAN
- A1.3 SECOND FLOOR PLAN
- A2.1 NORTH & EAST ELEVATIONS
- A2.2 EAST & WEST ELEVATIONS
- A4.1 SECTIONS
- A4.2 SECTIONS
- A4.3 SECTIONS



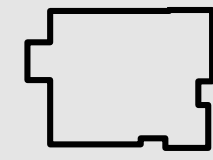
SECOND FLOOR AREA
165.30 SqM



LOT COVERAGE
179.93 SqM



BASEMENT AREA
135.75 SqM



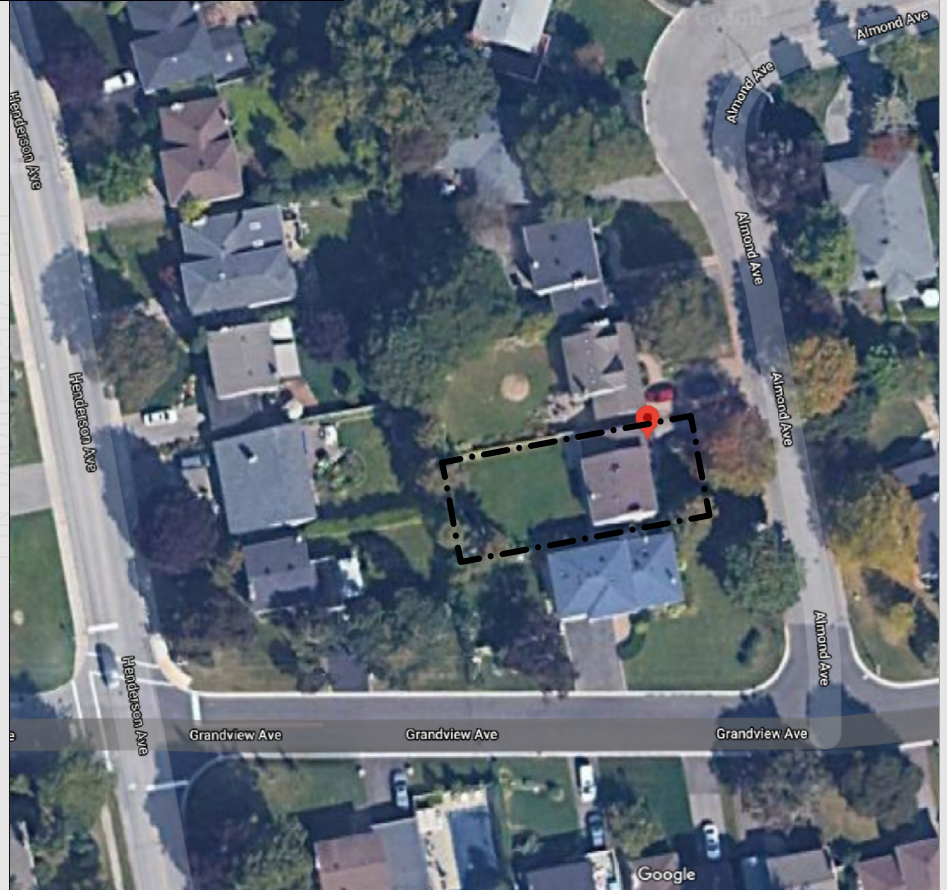
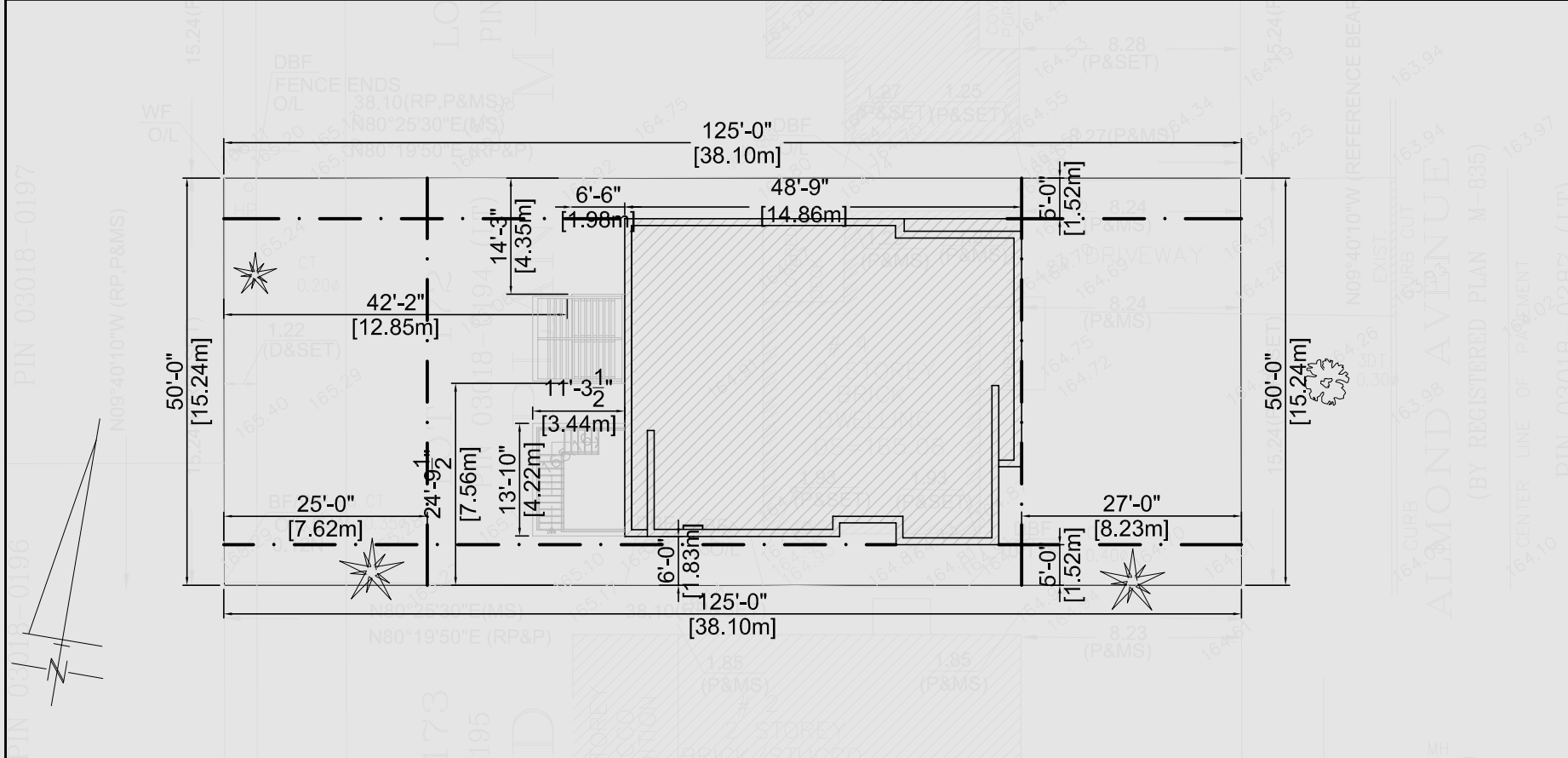
GROUND FLOOR AREA
171.22 SqM

Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21

MM/DD/YY



PROJECT NO: 105
 PROJECT TITLE: 4 ALMOND RESIDENTIAL
 4 ALMOND AVENUE, MARKHAM

DWG. NO: A0.1
 SHEET TITLE: COVER PAGE

ISSUED FOR: ZONING REVIEW

SCALE: UNSCALED
 DATE: 2021-03-02
 DRAWN BY: THL
 CHECKED BY: —

Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY

PROJECT NO:

105

PROJECT TITLE:

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:

A1.0

SHEET TITLE:

SITE PLAN

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

CHECKED BY:

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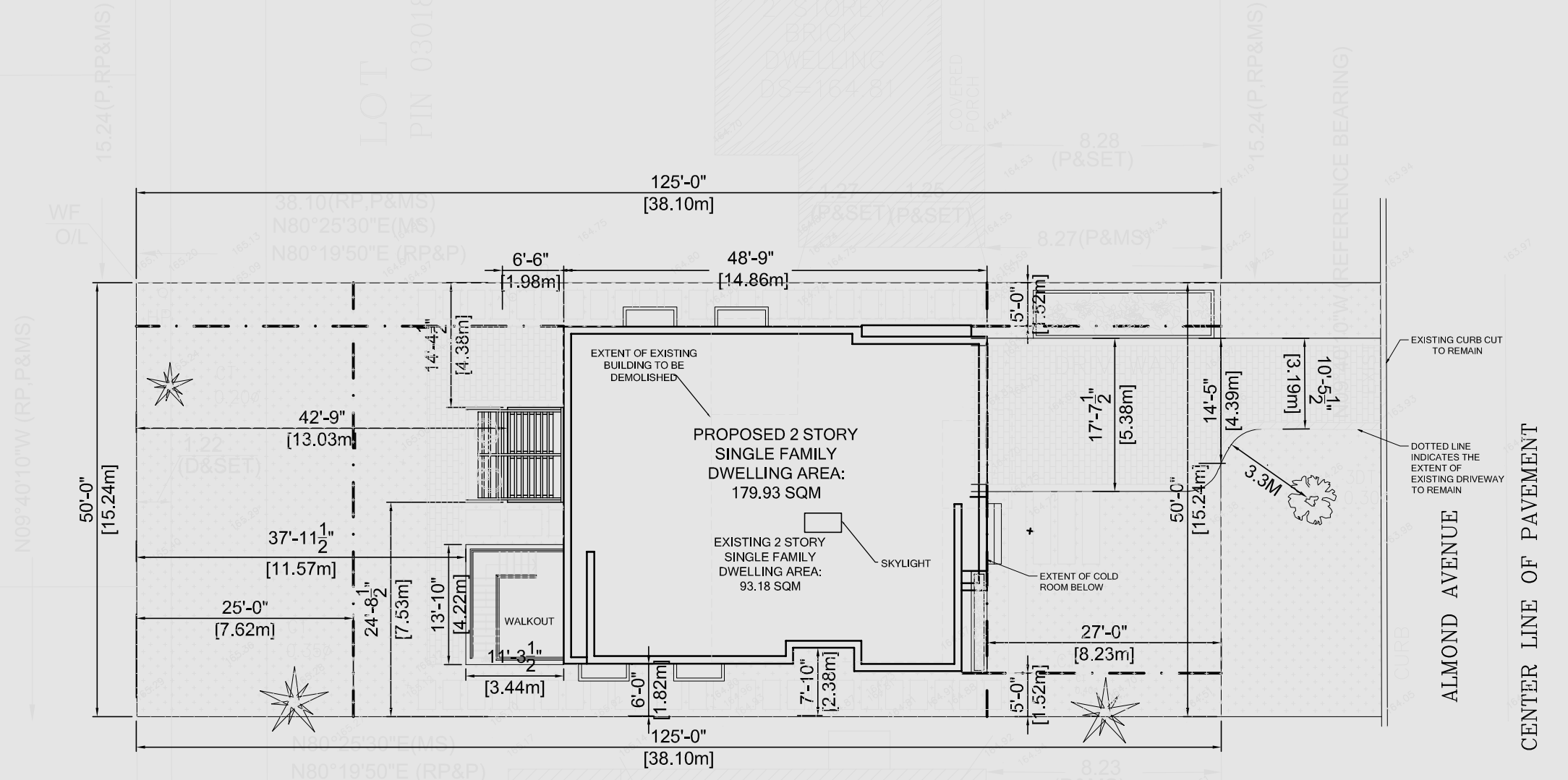
SCALE:

1/16"=1'

DATE:

2021-03-02

1 | SITE PLAN
SC: 1/16" = 1'



LOT 174
PIN 03018-0196

LOT 175
PIN 03018-0197

LOT 173
PIN 03018-0195

LOT 171
PIN 03018-0193



Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY

PROJECT NO:
105

4 ALMOND RESIDENTIAL 4 ALMOND AVENUE, MARKHAM

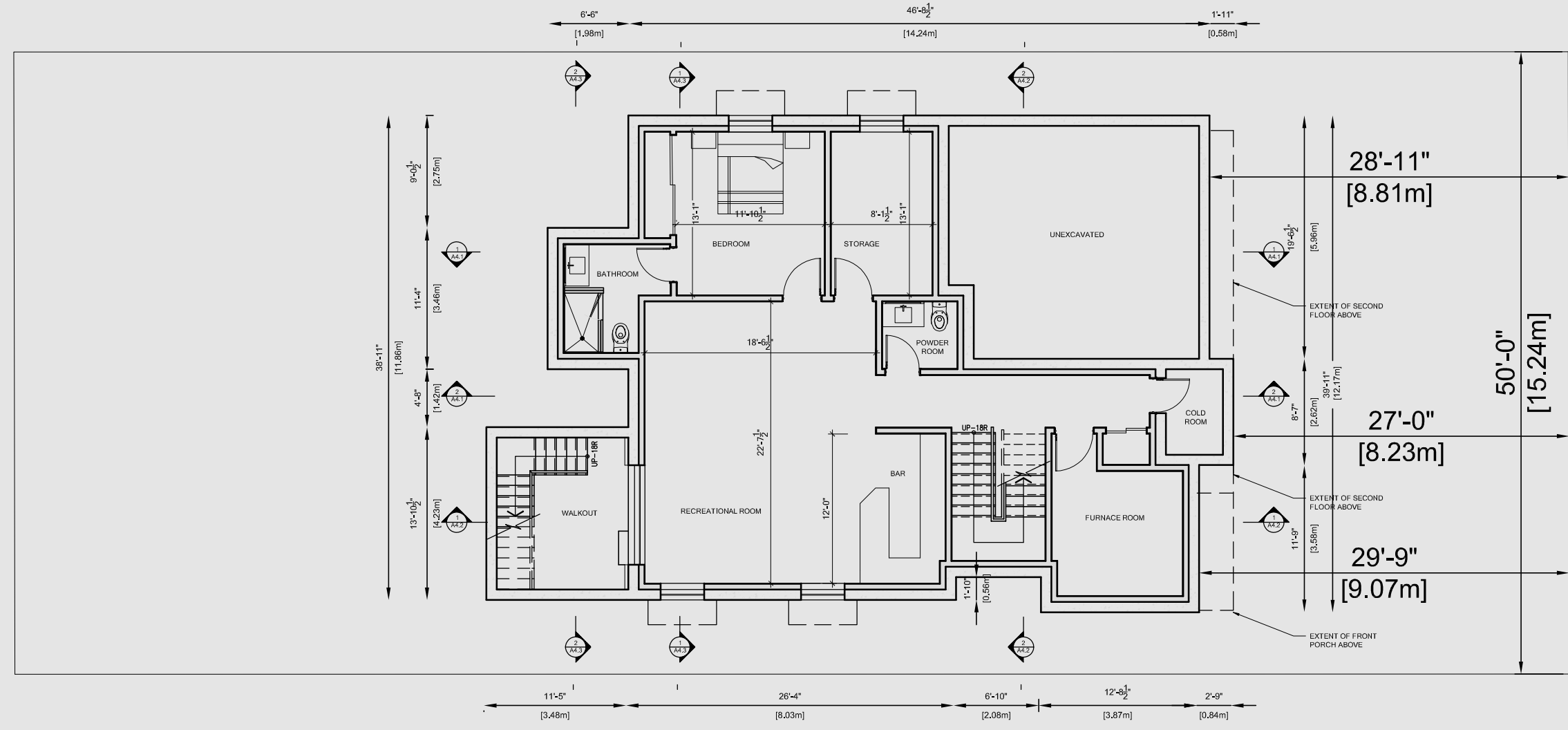
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SHEET TITLE:
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ISSUED FOR: ZONING REVIEW

SCALE: 3/32"=1"
DATE: 2021-03-02

DRAWN BY: THL
CHECKED BY: ---



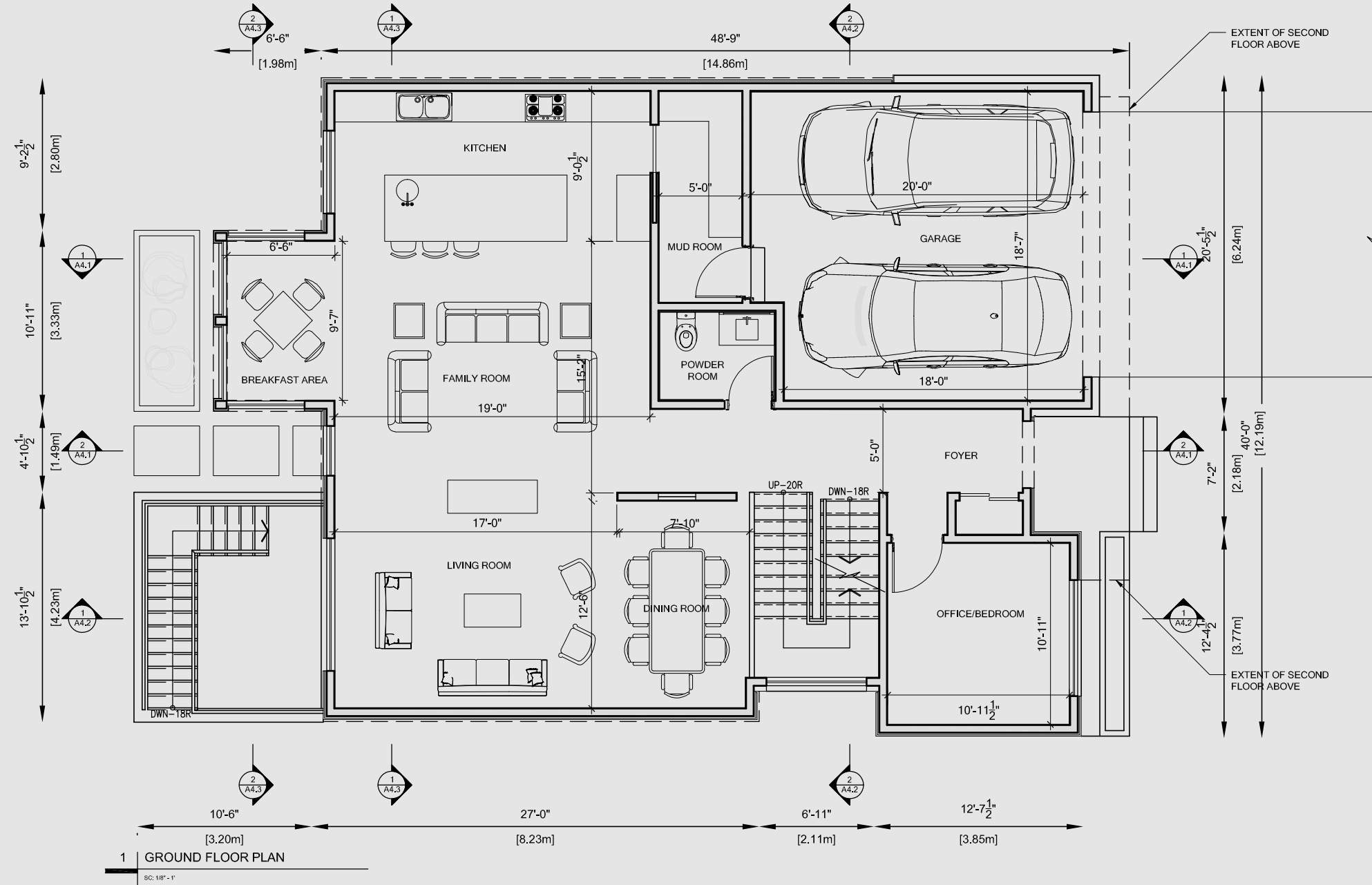
1 | BASEMENT FLOOR PLAN
8C:302'-1"



Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY



PROJECT NO:

105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

PROJECT TITLE:

DWG. NO:

A1.2

SHEET TITLE:

GROUND FLOOR PLAN

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

SCALE:

1/8" = 1'

CHECKED BY:

DATE:

2021-03-02

Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY

PROJECT NO:

105

PROJECT TITLE:

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:

A1.3

SHEET TITLE:

SECOND FLOOR PLAN

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

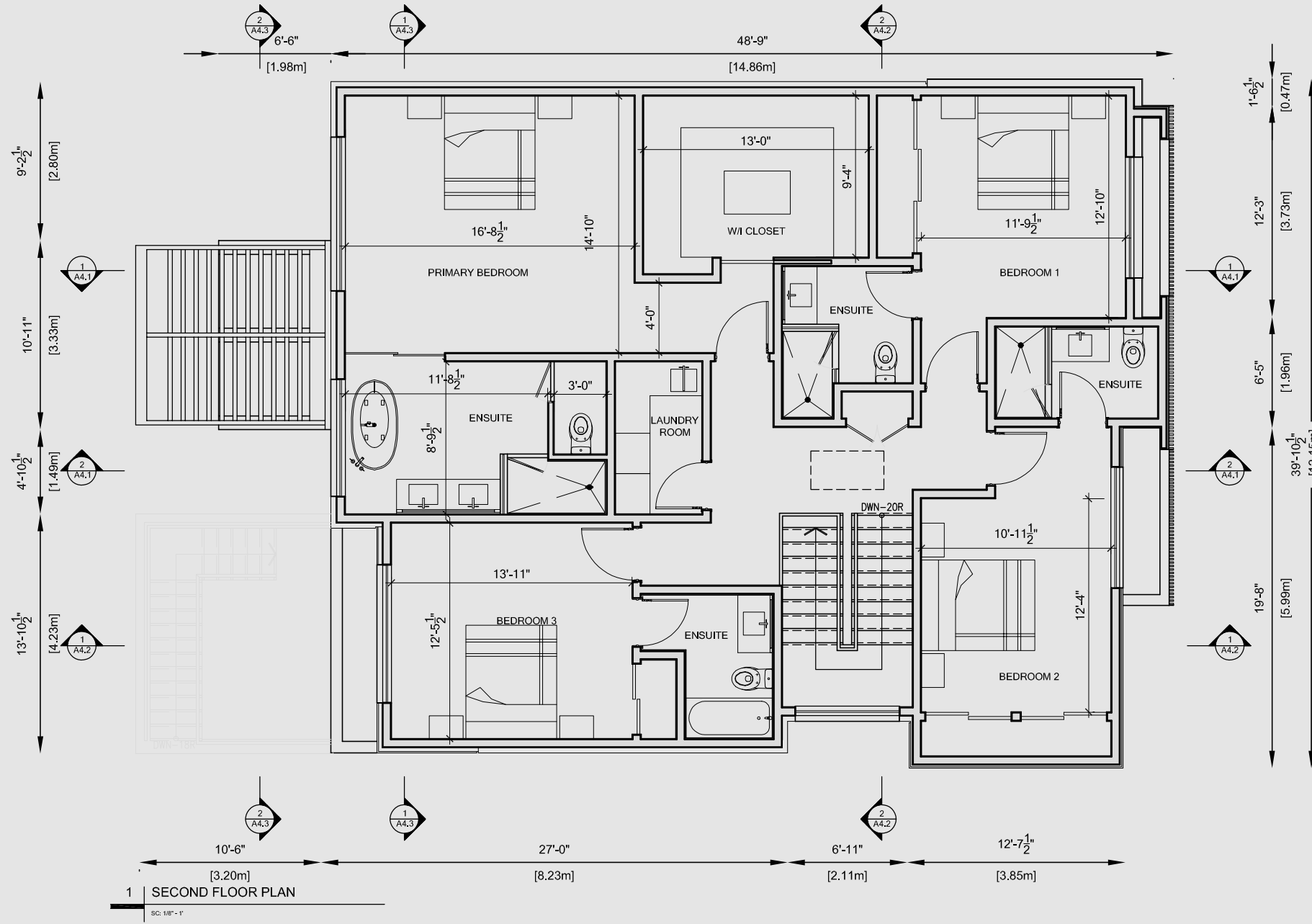
CHECKED BY:

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SCALE:
1/8"=1'

DATE:

2021-03-02



1 SECOND FLOOR PLAN

SC: 1/8"=1'

Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY

PROJECT NO:
105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:
A1.4

SHEET TITLE:
ROOF PLAN

PROJECT TITLE:

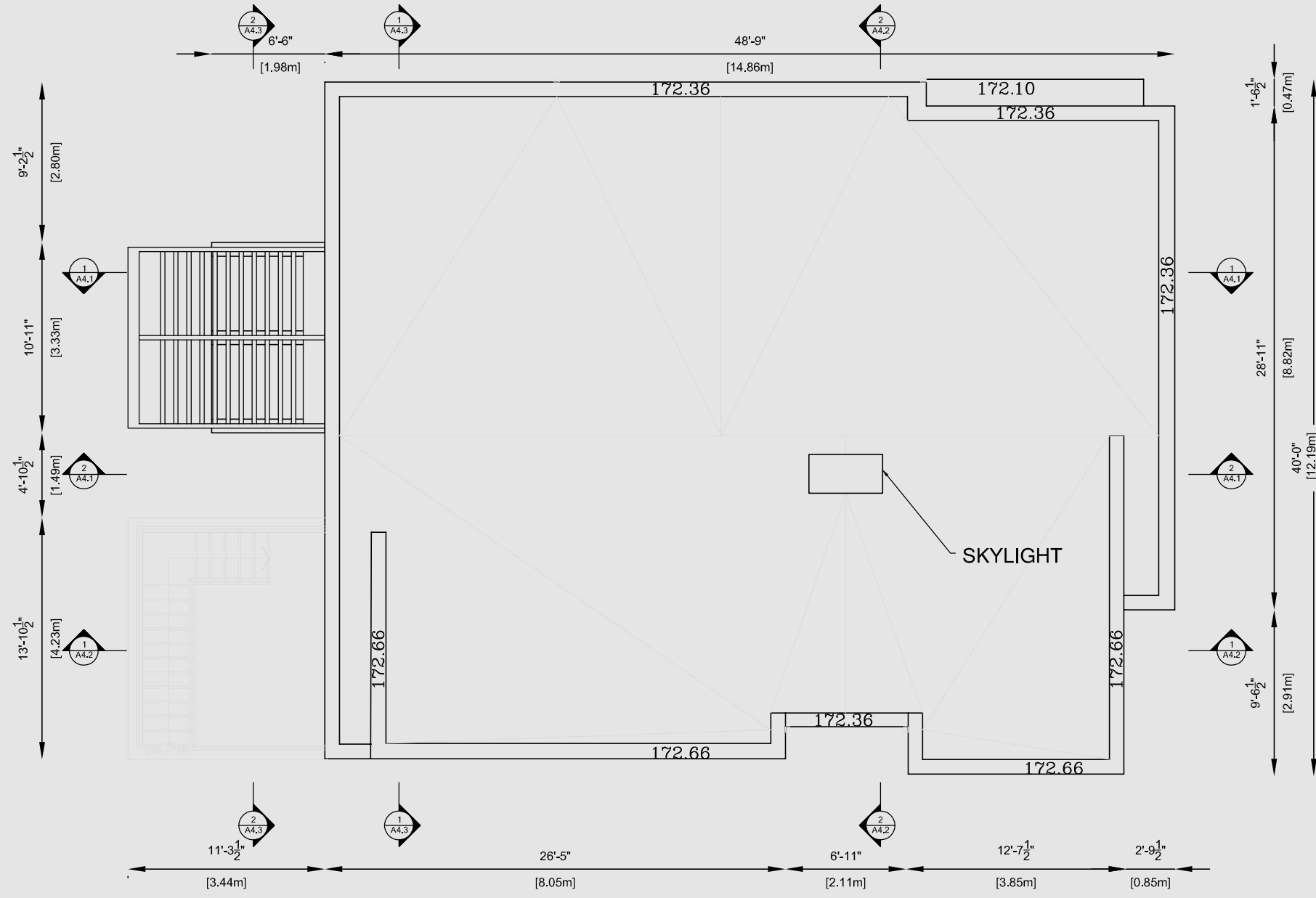
ISSUED FOR: ZONING REVIEW

DRAWN BY:
THL

CHECKED BY:
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SCALE:
1/8"=1'

DATE:
2021-03-02



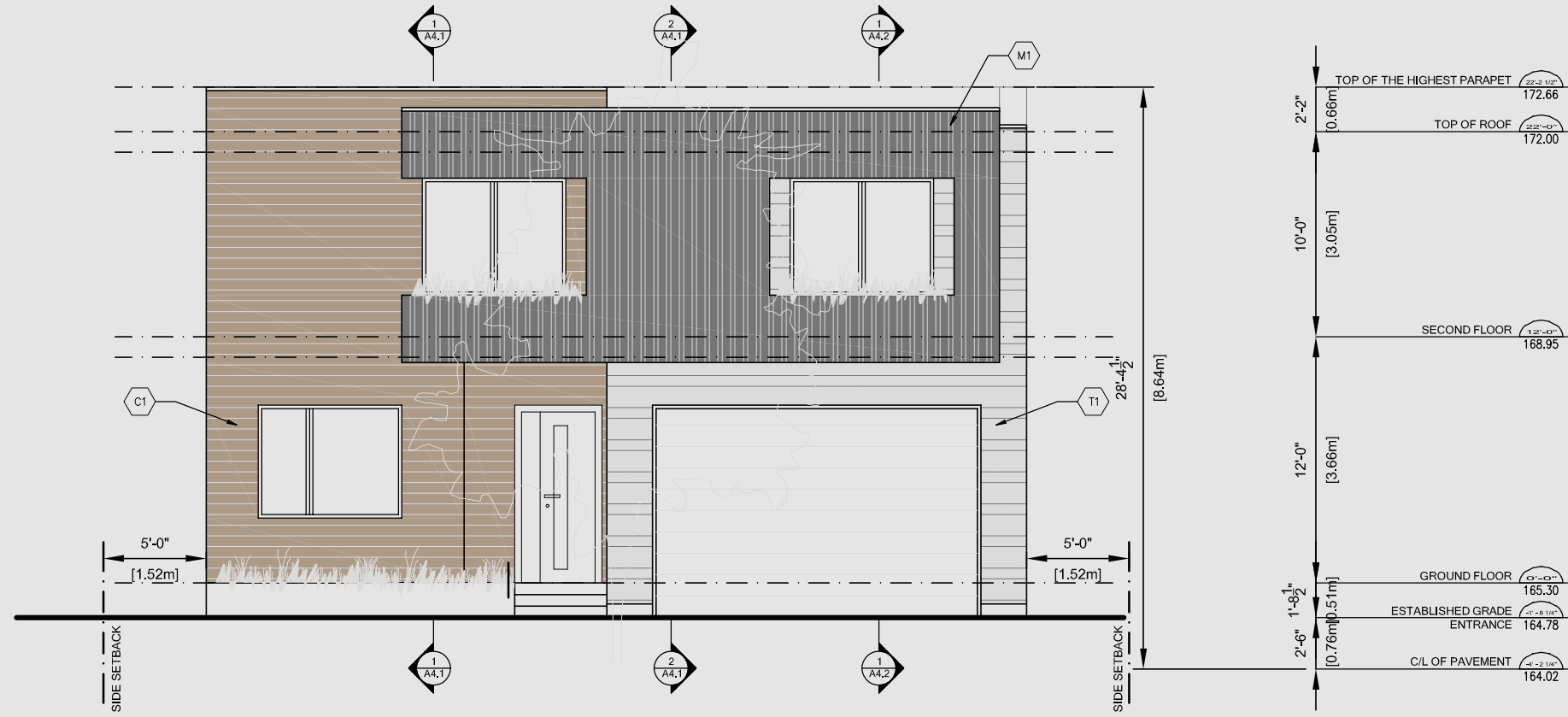
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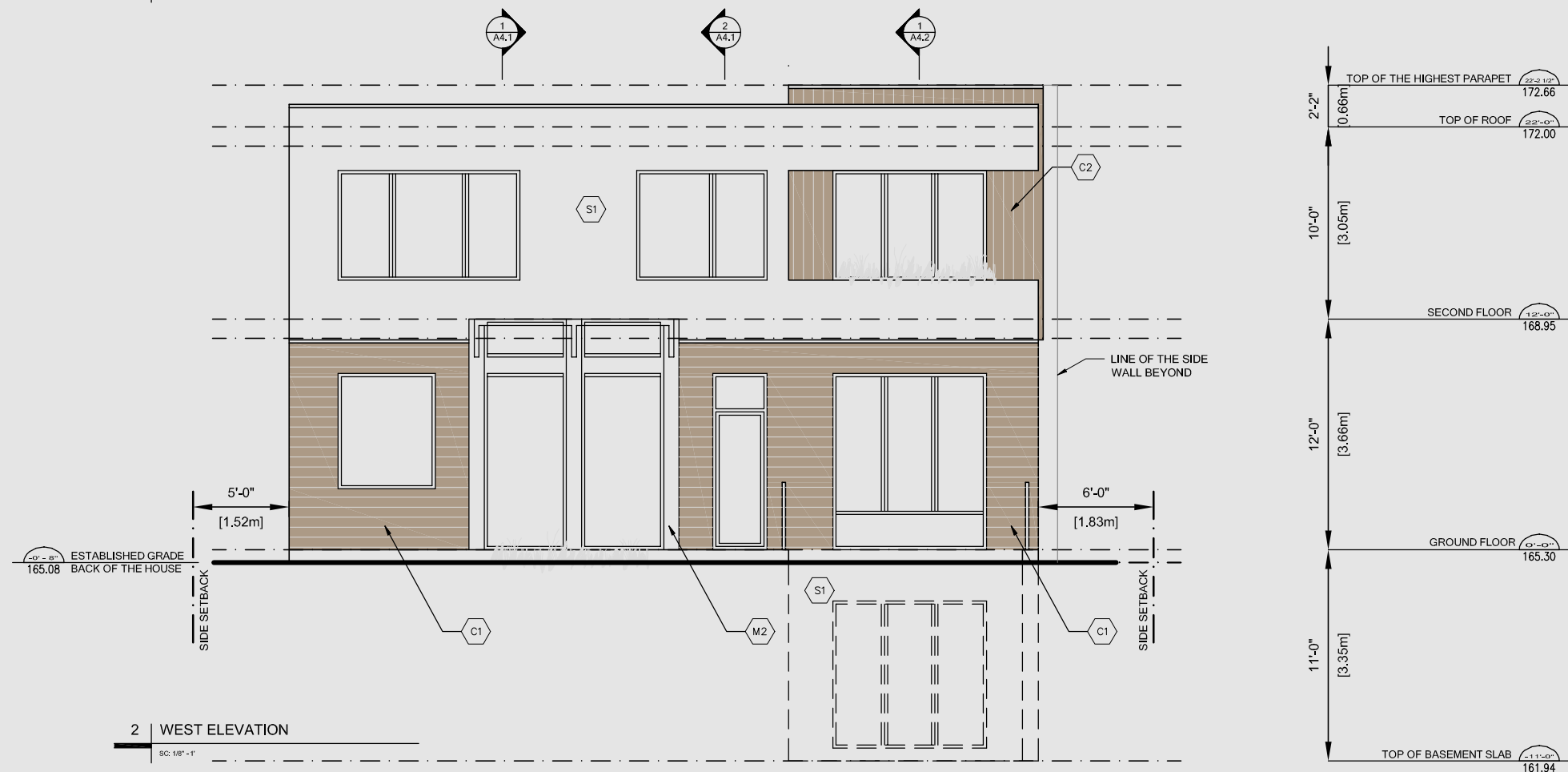
Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY



1 EAST ELEVATION
SC: 1/8" = 1'



2 WEST ELEVATION
SC: 1/8" = 1'

PROJECT NO: 105
PROJECT TITLE: 4 ALMOND RESIDENTIAL
4 ALMOND AVENUE, MARKHAM

DWG. NO: A2.1

SHEET TITLE: EAST & WEST ELEVATIONS

ISSUED FOR: ZONING REVIEW

SCALE: 1/8" = 1'

DATE: 2021-03-02

DRAWN BY: THL

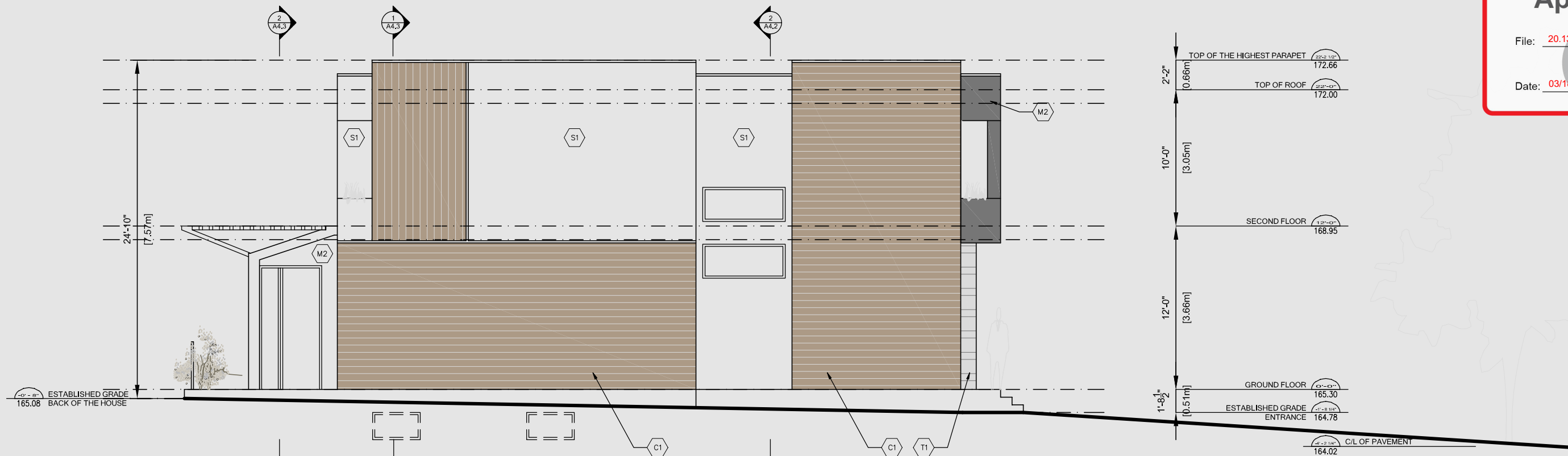
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File: 20.134833.000.00.MNV

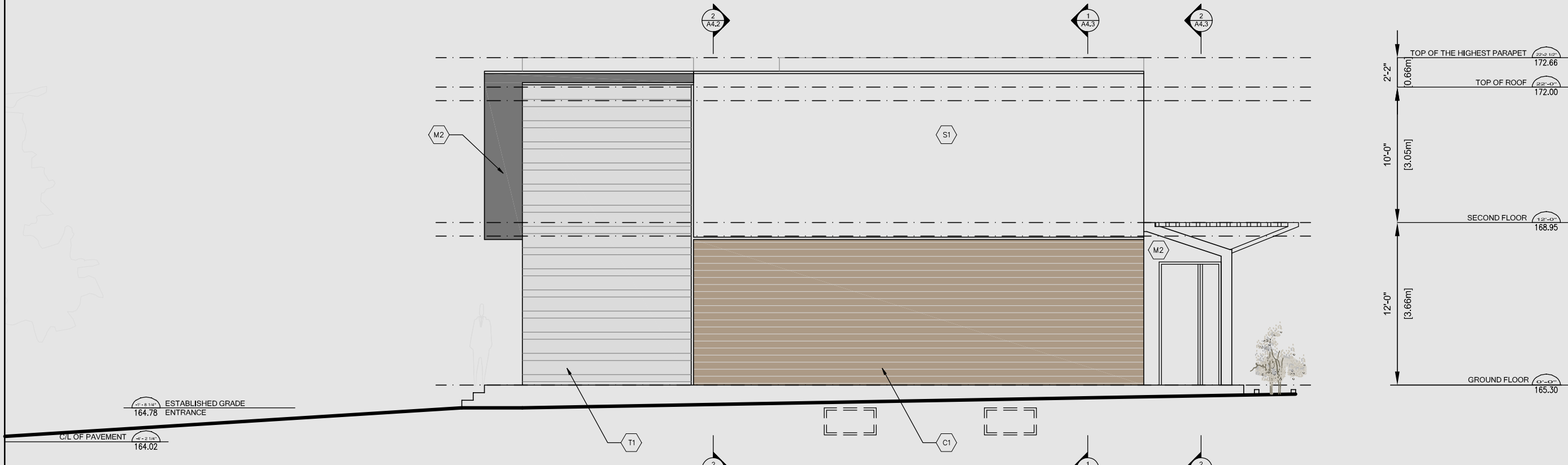
Date: 03/18/21

MM/DD/YY



1 SOUTH ELEVATION

SC: 1/8" = 1'



2 NORTH ELEVATION

SC: 1/8" = 1'

PROJECT NO:

105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

PROJECT TITLE:

DWG. NO:

A2.2

SHEET TITLE:

NORTH & SOUTH ELEVATIONS

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

CHECKED BY:

SCALE:

1/8" = 1'

DATE:

2021-03-02

Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY

PROJECT NO:
105

4 ALMOND RESIDENTIAL

4 ALMOND AVENUE, MARKHAM

DWG. NO:

A4.1

PROJECT TITLE:

SHEET TITLE:

SECTIONS

ISSUED FOR: ZONING REVIEW

DRAWN BY:

THL

CHECKED BY:

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SCALE:

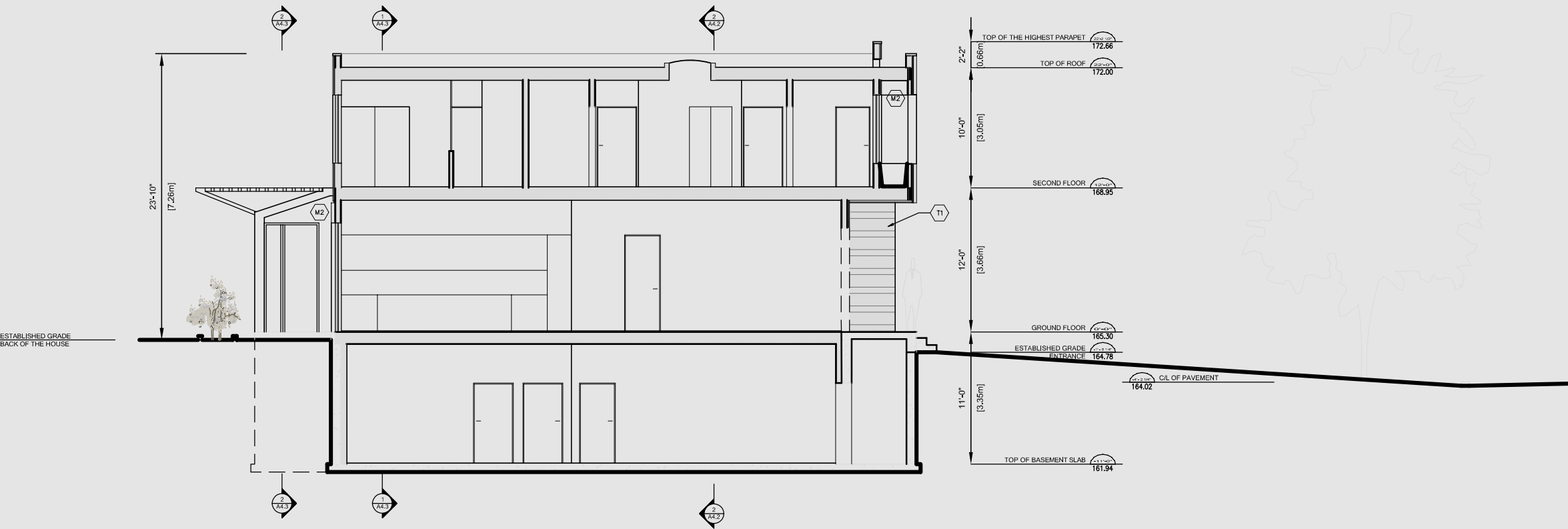
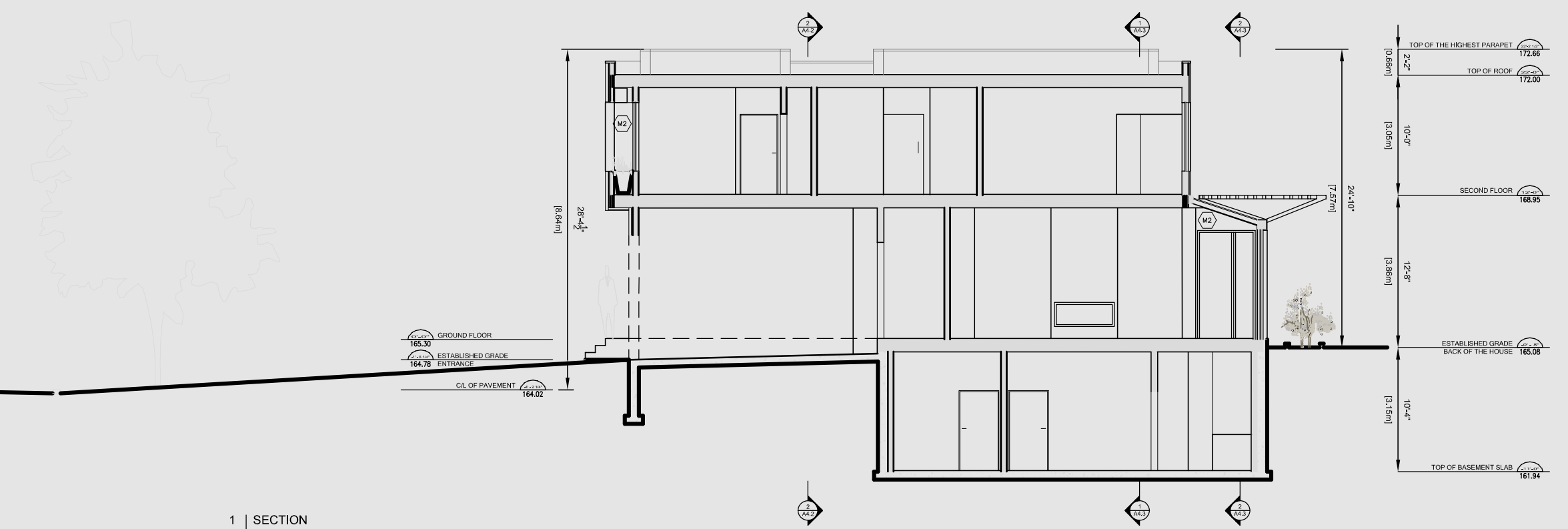
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DATE:

2021-03-02

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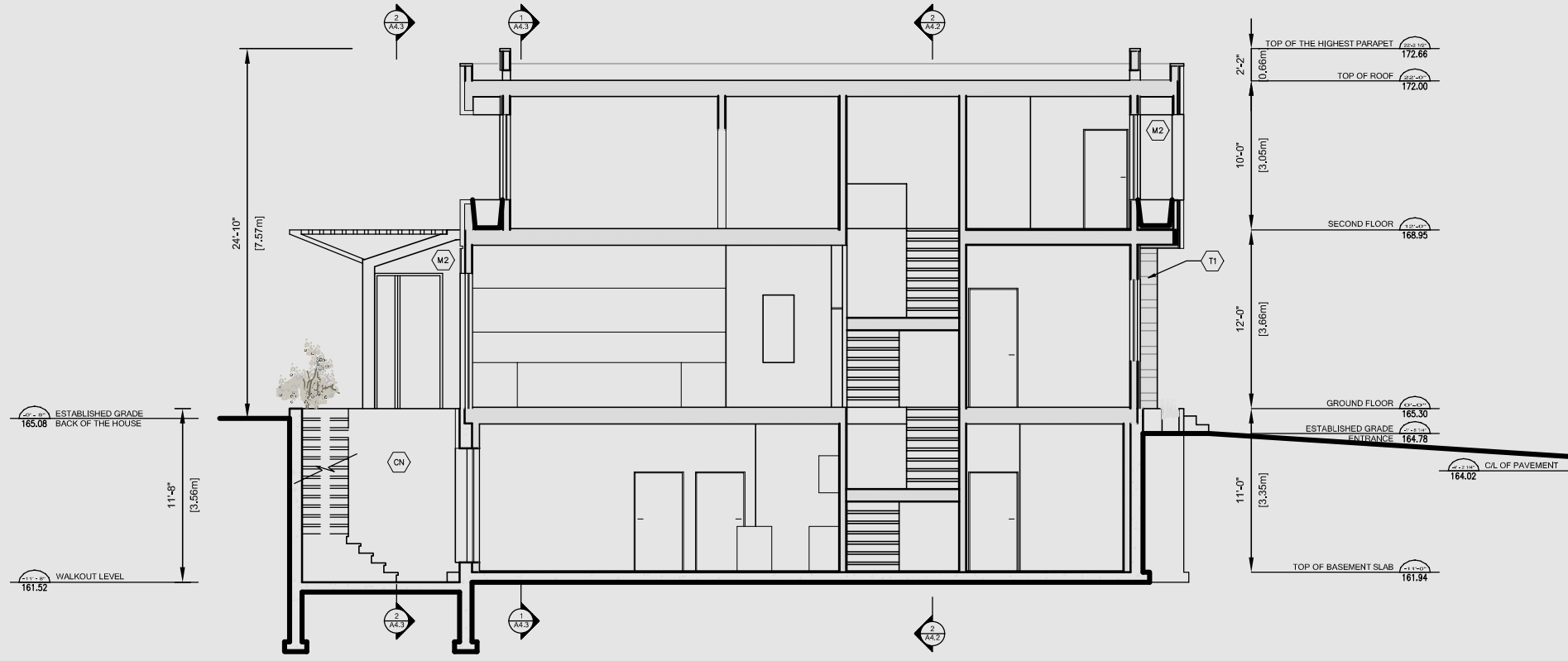
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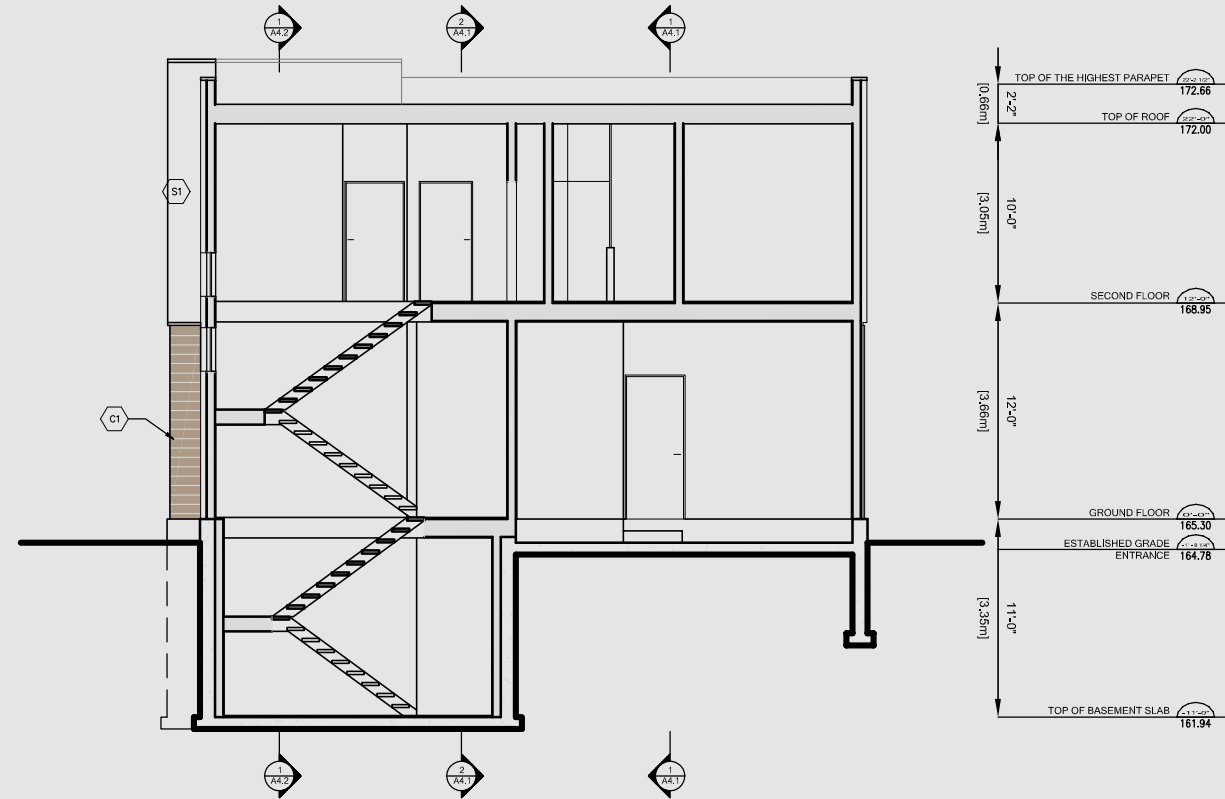
Appendix B

File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY



1 SECTION
SC: 3/32" = 1'



2 SECTION
SC: 3/32" = 1'

PROJECT NO: 105
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4 ALMOND AVENUE, MARKHAM

DWG. NO: A4.2
SHEET TITLE: SECTIONS

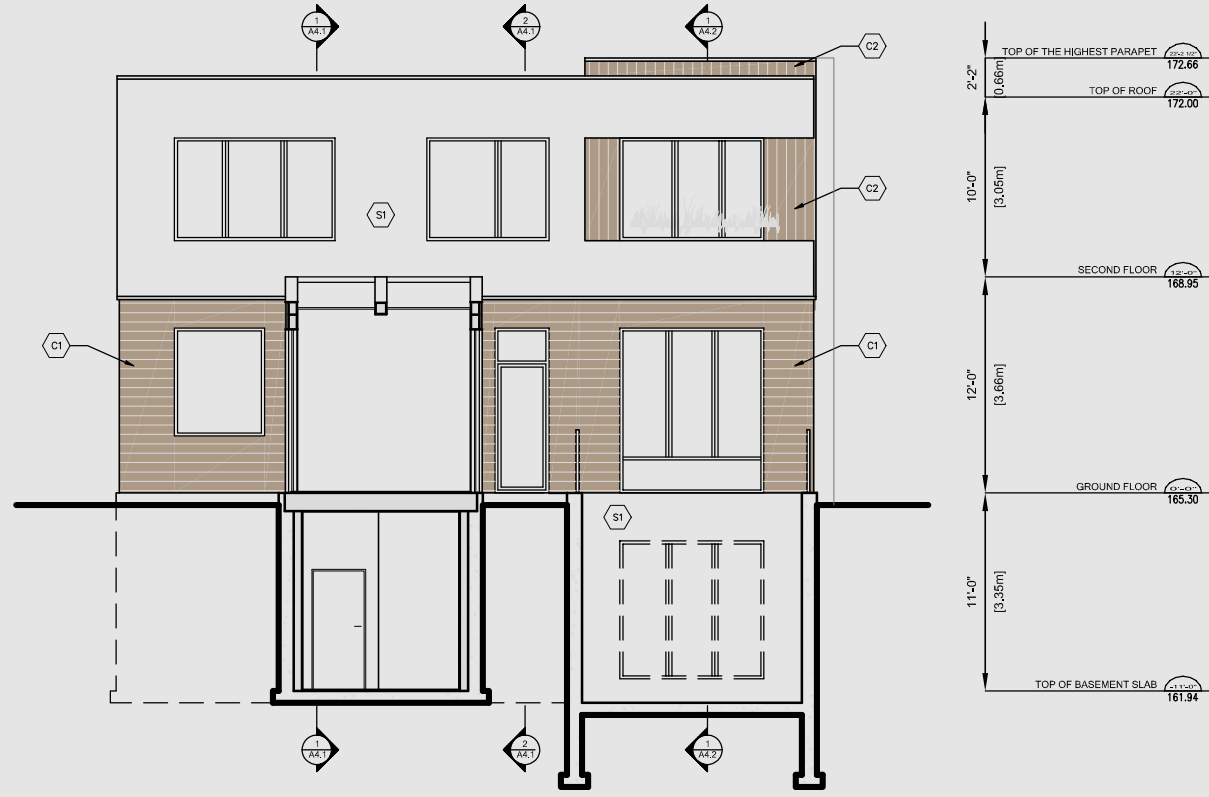
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CHECKED BY: ---

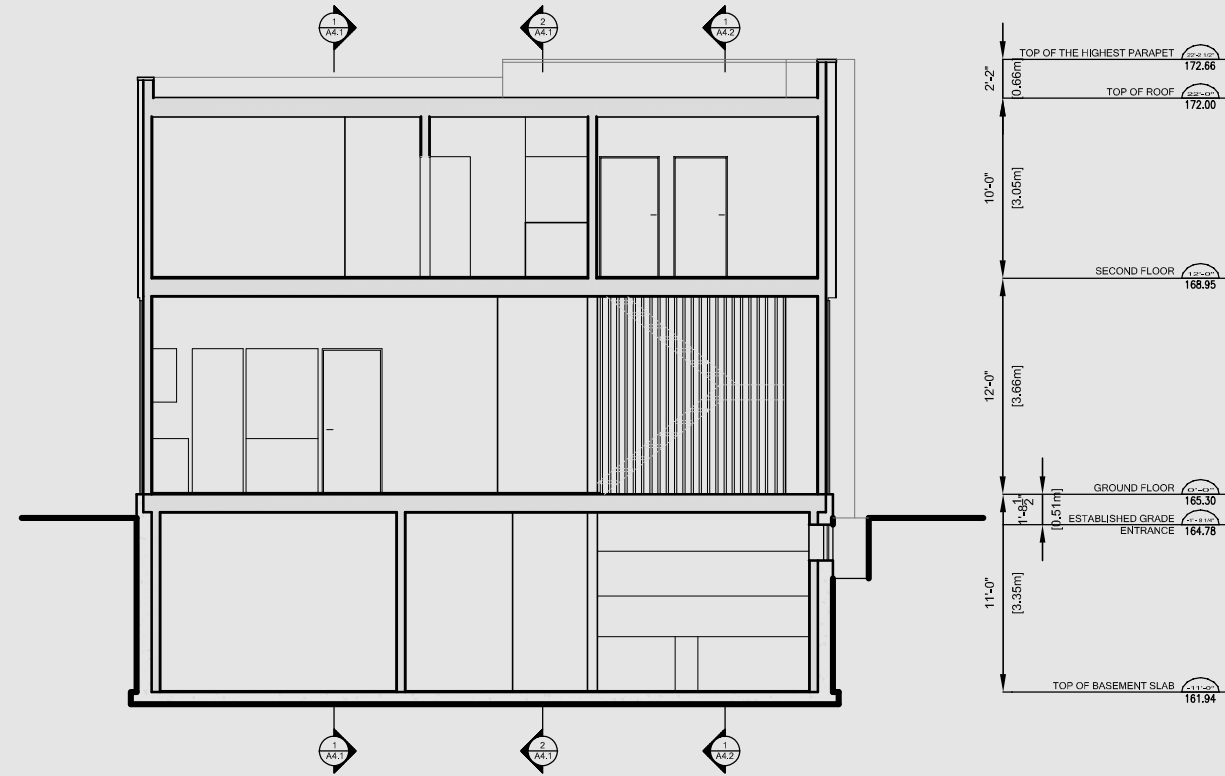
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File: 20.134833.000.00.MNV

Date: 03/18/21
MM/DD/YY



1 SECTION
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2 SECTION
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PROJECT NO: 105
PROJECT TITLE: 4 ALMOND RESIDENTIAL
4 ALMOND AVENUE, MARKHAM

DWG. NO: A4.3
SHEET TITLE: SECTIONS

ISSUED FOR: ZONING REVIEW

SCALE: 3/32" = 1'
DATE: 2021-03-02
DRAWN BY: THL
CHECKED BY: ---

APPENDIX "C"
ARBORIST REPORT & TREE PRESERVATION PLAN



Redbud Forestry Consultants

211 Woodview Crescent
Ancaster, ON L9G 1G1
647.299.1169

TREE ASSESSMENT & PRESERVATION PLAN (TAPP)

FOR PROPOSED RESIDENTIAL REDEVELOPMENT
AT 4 ALMOND AVENUE, MARKHAM

Prepared For:
Mr. Saeed Rokh
saeedrokh@yahoo.com
647.215.1027

Prepared By:
Philip Rogic, B.Sc.F., R.P.F. #1824
Principal/Forester
Redbud Forestry Consultants
211 Woodview Crescent,
Ancaster, ON L9G 1G1
redbudforestry@cogeco.ca
647.299.1169

January 25, 2021

1.0 Introduction

Mr. Saeed Rokh, or an agent(s), proposes to construct a two-storey, detached dwelling and associated hardscape elements at 4 Almond Avenue in the City of Markham. The dwelling, driveway widening, basement walkout, rear deck and other hardscape features are to be built upon demolition of the dwelling and rear patio found at this address. As part of the development application review process, the City of Markham requires submission of a detailed Tree Assessment & Preservation Plan (TAPP) to address potential impacts to existing tree cover in the vicinity of the proposed construction activities. In January of 2021 Redbud Forestry Consultants was retained to undertake the required TAPP for the development.

This Tree Assessment & Preservation Plan was prepared to address tree saving requirements of the City of Markham's Tree Preservation By-Law, No. 2008-96. The following sections of this report describe the study methodology, existing tree conditions, potential impacts to trees arising from construction activities and finally provide specific recommendations on tree removal, protection and enhancement requirements.

2.0 Study Methodology

Upon project initiation, Redbud Forestry Consultants was provided with a Site Plan drawing to show the existing site conditions and to demonstrate the full extent of the proposed development on the subject property. The Site Plan drawing, drawing no. A1.0, dated December 7, 2020 and prepared by Third Layer Architects, outlines the footprint locations of the existing dwelling, driveway and other hardscape elements, the proposed dwelling, basement walkout, rear deck, and other hardscape elements, plots the surveyed locations of tree cover found on the subject site, and on adjoining lands in the vicinity of the development, the locations of neighbouring dwellings to the north and south of the subject site, as well as lines denoting the lot boundaries. The Site Plan drawing, hereinafter referred to as Figure 1 – Tree Preservation Plan, is being used as graphical representation for this development and is to be reviewed along with this report.

Tree inventory and assessment work was carried out on the subject lot, and on potentially-affected adjoining lands, on January 21, 2021 using the noted drawing for reference. Trees of all diameters were assessed on potentially-affected portions of the Almond Avenue street allowance, and on adjacent private lands within 6m of the subject site, whereas trees greater than 20cm dbh (tree diameter at breast height, measured at 1.4m above grade) were assessed on the subject site, in compliance with City of Markham Tree Preservation By-Law requirements.

All trees were inspected from the ground only and were tallied by tree number, common name, botanical name, dbh, health condition and tree dripline (m)/Tree Protection Zone (TPZ) (m). Management prescriptions are provided on tree removal, protection methodology and maintenance work based on the trees existing health and/or the anticipated adverse construction effects upon the tree.

Photographs are presented in this report of each of the tallied trees and of prescribed areas for tree protection fencing and horizontal hoarding installations. An assigned tree number and each trees' TPZ were labelled on Figure 1 with trees to be removed or retained shown using separate colours. Locations for tree protection fence and horizontal hoarding installation (over portions of the driveway) were determined based on the proximity of each retained tree to the required areas of construction activity.

3.0 Existing Tree Conditions

A total of seven (7) trees were inventoried in association with this development proposal, in accordance with provisions of the City of Markham's Tree Preservation By-Law. One (1) of the trees is located on the City's Almond Avenue street allowance (tree #1) whereas the six (6) other trees (trees #2 - 7) are situated on private lands.

Four (4) of the private trees (trees #2 – 5) are located on the subject lot whereas the two (2) other trees (trees #6 & 7) are located in the rear yard of 45 Henderson Avenue, to the west of the site, as shown on Figure 1. Detailed information on all of the assessed trees is provided in Appendix A – Tree Inventory Data.

4.0 Assessment of Potential Impacts and Tree Management Requirements

Soil excavation work and other construction-related activities necessary to demolish the existing dwelling, and to construct the new dwelling, widened driveway, walkout, deck and other hardscape features proposed under this development, including site grading, will not require removal of any of the tallied trees.

Based upon the scope of the proposed works and the implementation of prescribed protective measures, it remains feasible to retain and adequately protect all seven (7) of the tallied trees. This preservation plan has been designed to minimize impacts upon all of the retained trees by proposing installation of protection fencing, where practical, and prescribes utilization of other injury-mitigating measures where appropriate.

It is also imperative that all construction staff involved with this development respect the spirit of the City of Markham's Tree Preservation By-Law and ensure that tree protection fencing and other injury-mitigating measures are installed and maintained in an effective condition for the duration of all site construction.

4.1 Tree Removals and Injuries

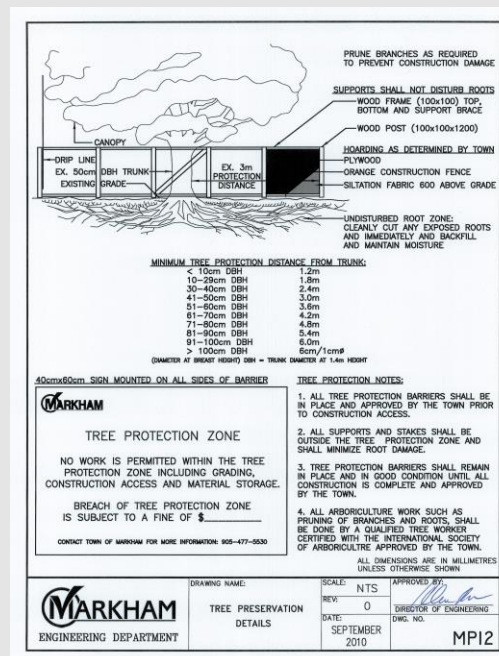
4.1.1. Tree Preservation By-Law

Two (2) of the seven (7) tallied trees inventoried under the proposed development will require a permit to injure in accordance with provisions of this By-Law. Tree #1, a City-owned 41.5cm dbh sugar maple (*Acer saccharum*), will require a permit to injure due to construction access across the northernmost portion of its TPZ, and tree #2, a private 42.5cm dbh white spruce (*Picea glauca*), will require a permit to injure due to construction activity and access across western portions of its TPZ, in advance of and for the duration of all site construction activity, as shown on Figure 1 and outlined in Appendix A.

All seven (7) tallied trees (trees #1 - 7) are to be protected for the duration of all site construction activity with the installation of City-standard tree protection fencing, and initiation of additional injury-mitigating measures (for trees #1 & 2), for the duration of all construction. A copy of this report is to be provided to the Tree Preservation Technician at the City of Markham Civic Centre at 101 Town Centre, Markham for review.

4.2 Tree Protection Fencing

Prior to the introduction of any site construction activity, including delivery of construction machinery, equipment, dumpster, etc., tree protection barriers are to be installed in the vicinity of the trees identified for preservation. These barriers are to consist of 1.2m high plastic, web-fencing, with top and bottom wood rails, where on the Almond Avenue street allowance, to retain sightline safety, and 1.2m high solid wood-clad hoarding, where on the subject lot, to protect trees from root injury during construction.



Fencing is to be installed as per the City of Markham's Tree Preservation Details, drawing no. MP12, in advance of any site construction activity, and is to remain in effective condition until completion of all site construction activity, as shown on Figure 1, and as shown above.

The hoarding layout was designed to meet the practical demands of proposed construction activity, including providing sufficient construction access to undertake demolition of the existing dwelling, to excavate for the proposed dwelling and associated hardscape features, and to provide the opportunity for a number of staging areas for materials, equipment, etc. on the lot.

Any excavated soil that is to be stockpiled on-site for backfilling purposes must be stored on the construction-side of the tree protection fencing to prevent unnecessary root injury. No grade changes are allowed within the TPZ's of retained trees and no materials or equipment may be stored in these respective areas without a Permit. City of Markham staff should be contacted to arrange for a site inspection once all fencing has been installed on the property, in advance of site construction activity, to confirm compliance.

4.3 Horizontal Hoarding

In addition to vertical tree protection fencing, it is our recommendation to install horizontal hoarding on the section of the existing asphalt driveway that lies within the TPZ of the City-owned sugar maple (tree #1), during dwelling-related construction activity, as detailed in Appendix A and as shown on Figure 1.

Horizontal hoarding, comprising 10cm of wood mulch covered by two overlapping sheets of 3/4" thick plywood, screwed together and contained by a perimeter wood frame, is to be installed in order to reduce the potential for root injury through soil compaction from access of heavy machinery and vehicles, and dumpster and other material storage on the property during site construction activity, as per City policy.

This hoarding scheme is to be installed prior to any site construction activity and is to be maintained in an effective condition for the duration of dwelling-related construction activity and should only be removed upon providing written notice to City staff that all dwelling-related construction activity has been completed.

4.4 Arboricultural Supervision

An arboricultural consultant should be retained on-site before any site construction activity is initiated to ensure that tree protection fencing and horizontal hoarding have been installed as per the recommendations set out in this report. Subsequent site inspections should be carried out during construction phases for the dwelling and walkout, to ensure ongoing compliance.

It is anticipated that the full implementation of the protective measures set out in this report will mitigate adverse effects from the proposed construction activity upon the subject trees. The long-term viability of each tree depends upon a number of factors including, but not limited to, the tree's pre-existing condition, failure to comply with any of the identified tree protection measures, any resultant construction impacts, maintenance schedule on the tree and other extraneous factors.

We trust this information is sufficient to meet your current needs. Please feel free to contact us if you require any further clarification on this matter.

All of which is Respectfully Submitted.

Redbud Forestry Consultants



Philip Rogic, B.Sc.F., R.P.F. #1824
Principal/Forester



Image looking eastward from in front of the subject dwelling shows a City-owned 41.5cm dbh sugar maple (tree #1) to be protected with City-standard tree protection fencing, followed by horizontal hoarding overtop the asphalt driveway, to protect its TPZ. Manually excavate the closest portion of the widened driveway, beyond its 3m TPZ, and an arborist is to prune exposed roots after the shovel digging, to promote healing.



Image looking toward the south from in front of the subject lot shows the dwelling (far right) to be demolished, shows the driveway (bottom) to be retained and shows a City-owned sugar maple (tree #1 – foreground) and private white spruce (tree #2 – to rear and right of tree #1) to be protected with myriad tree protection measures.



Image looking toward the west from the roadway shows the dwelling (right) to be demolished, shows the portion of the driveway (bottom right) to be retained and shows a City-owned sugar maple (tree #1 – foreground) and private white spruce (tree #2 – to rear and left of tree #1) to be protected with myriad tree protection measures.



Image looking toward the west from the front of the subject lot shows the dwelling (right) to be demolished and shows a private 42.5cm dbh white spruce (tree #2) to be protected with City-standard tree protection fencing, followed by root pruning during excavation for construction of the dwelling foundation wall, to be undertaken beyond the 3m TPZ.



Image looking southward from the front yard shows the dwelling to be demolished (far right), shows the 42.5cm dbh white spruce (tree #2) to be protected with professional crown pruning (cuts in red) to provide adequate dwelling construction clearance, followed by tree protection fence installation (foreground), and root pruning works.



Image looking westward from behind the dwelling to be demolished shows a 36cm dbh white spruce (tree #3 – left of centre) and a 27cm dbh white spruce (tree #4 – rear of shed) to be protected with installation of City-standard tree protection fencing beyond their 2.4m TPZ's, upon manual removal of the vinyl shed and its wood base, and prior to dwelling demolition works.



Image looking westward from the centre of the backyard on the subject lot shows a 27cm dbh white spruce (tree #4 – to the right of the shed) and a 25cm dbh white spruce (tree #5 – right) to be fully protected with installation of City-standard tree protection fencing beyond their respective TPZ's, upon completion of manual removal of the vinyl shed and prior to site construction activity, including dwelling demolition works.



Image looking westward from the north side of the backyard on the subject lot shows private white spruce trees #5 – 7 (left to right) to be fully protected with installation of City-standard tree protection fencing beyond their respective TPZ's, for the duration of all site construction activity.

Tag No.	Tree No.	Common Name	Scientific Name	DBH* (cm)	Cond.**	Dripline /TPZ	Existing Tree Condition and Management Prescriptions
N/A	1	Sugar maple	Acer saccharum	41.5	F to G	5.5/3.0	Native tree situated on the Almond Avenue street allowance, abutting the front of the subject property. It appears to be structurally and botanically in fair to good condition exhibiting no notable deficiencies. Anticipate minimal adverse construction effects upon this tree due to planned retention of the asphalt driveway, due to no excavation work to be carried out within its TPZ, and provided compliance with the following injury-mitigating measures: 1) Install City-standard tree protection fencing at locations shown on Figure 1, including along the west edge of the street curb, 3.0m south, 3.0m west and along the south edge of the existing driveway where in its TPZ, in advance of any site construction activity; 2) Install City-standard horizontal hoarding over the 40cm portion of the existing asphalt driveway that lies within this trees TPZ, in advance of any site construction activity, to prevent the potential for root injuries through the effects of soil compaction during construction access/activity over its TPZ, as shown on Figure 1; 3) Upon completion of dwelling-related construction, at the time to widen the driveway, hand-dig the line of excavation required to install the expanded driveway, on the construction side of the hoarding, beyond its TPZ; 4) An arborist is to prune roots exposed during manual digging for construction of the expanded driveway, to promote root healing; 5) Remove the horizontal hoarding over the retained portion of the driveway, upon completion of driveway widening work and all construction activity; and 6) Remove the vertical tree protection fencing upon providing written notice to City staff that all construction activity has been completed. A permit to injure this City-owned tree may be required due to slight encroachment of construction access across northern portions of its TPZ.
N/A	2	White spruce	Picea glauca	42.5	F to G	3.5/3.0	Native tree situated on the front lawn of the subject property, along the south lot line. It appears to be structurally and botanically in fair to good condition exhibiting no notable deficiencies. Anticipate minor adverse construction effects upon this tree due to its location relative to the areas of construction activity. This shared tree is expected to endure ill effects of proposed construction and is to be protected by initiation of the following injury-mitigating measures: 1) An arborist is to prune those lower limbs on its western crown necessary to provide sufficient clearance for construction of the SE corner of the dwelling structure and roofline, and for installation of scaffolding, comprising approx. 10-15% of its overall crown, in advance of any activity; 2) Install City-standard tree protection fencing at locations shown on Figure 1, at 2.4m from its trunk, providing 1.8m between the hoarding and the SE corner of the dwelling foundation walls, in advance of any site construction activity, including dwelling demolition; 3) An arborist shall be present to prune those roots exposed along the vertical soil profile of the area of excavation required to construct the SE corner of the dwelling foundation, where outside of but near its TPZ, to promote root healing; and 4) Remove the protection fencing only upon providing written notice to the City that all site construction activity has been completed. A permit to injure this tree shall be required due to construction activity encroachment within its TPZ. It may be necessary to attain the consent of the neighbour for injury of this co-owned tree.
N/A	3	White spruce	Picea glauca	36	F	3.0/2.4	Native tree situated in the rear yard of the subject property, near the south lot line. It appears to be structurally and botanically in fair condition exhibiting removal of the middle 1/3 of its canopy presumably to provide adequate clearance for overhead utility wires, leaving a number of small branch stubs and an irregular, unsightly lower crown and a healthy upper crown. Anticipate no adverse construction effects upon this tree due to its sufficient distance from areas of site construction activity and provided compliance with the fencing plan. Install 1.2m high solid wood-clad sheets at locations beyond its TPZ, in advance of and for the duration of all site construction activity, as shown on Figure 1. A permit to injure this tree will not be required due to a lack of construction activity encroachment within its TPZ.

Tag No.	Tree No.	Common Name	Scientific Name	DBH* (cm)	Cond.**	Dripline /TPZ	Existing Tree Condition and Management Prescriptions
N/A	4	White spruce	Picea glauca	27	F to P	2.5/2.4	Native tree situated in the rear yard of the subject property, near the west lot line. It appears to be botanically in fair condition and structurally in fair to poor condition exhibiting loss of its apical meristem with subsequent development of inherently-weak, co-dominant leaders from competing lateral branches and a resultant disfigured crown. It remains viable at this time and is anticipated to incur no adverse construction effects due to its sufficient distance from areas of site construction activity and provided compliance with the fencing plan. Install 1.2m high solid wood-clad sheets at locations beyond its TPZ, in advance of and for the duration of all site construction activity, as shown on Figure 1. A permit to injure this tree will not be required due to a lack of construction activity encroachment in its TPZ.
N/A	5	White spruce	Picea glauca	25	F	2.5/2.4	Native tree situated in the rear yard of the subject property, near the northwest corner of the lot. It appears to be structurally and botanically in fair condition exhibiting a slightly-thinning crown and a crook to its main stem, near the overhead utility wires, where the main stem was likely severed to provide clearance from the wires. It remains viable at this time and is anticipated to incur no adverse construction effects due to its sufficient distance from areas of site construction activity and provided compliance with the fencing plan. Install 1.2m high solid wood-clad sheets at or beyond its TPZ, in advance of and for the duration of all site construction activity, as shown on Figure 1. A permit to injure this tree will not be required due to a lack of construction activity encroachment within its TPZ.
N/A	6	White spruce	Picea glauca	34	F	2.5/2.4	Native tree situated in the rear yard of an adjacent Henderson Avenue lot, to the west of the subject site. It appears to be botanically in fair condition and structurally in fair to poor condition exhibiting loss of its apical stem with subsequent development of inherently-weak, co-dominant leaders from competing lateral limbs and a resultant disfigured crown. It remains viable at this time and is anticipated to incur no adverse construction effects due to its sufficient distance from areas of site construction work and provided compliance with the fencing plan. Install 1.2m high solid wood-clad sheets at or beyond its TPZ, in advance of and for the duration of all site construction, as shown on Figure 1. A permit to injure this tree will not be required due to a lack of construction activity encroachment in its TPZ.
N/A	7	White spruce	Picea glauca	30-40	F to P	3.5/2.4	A native tree situated in the rear yard of ? Henderson Avenue, to the NW of the subject property. It appears to be botanically in fair condition and structurally in fair to poor condition exhibiting past loss of its apical meristem - likely from severance of its stem to provide clearance from overhead utility wires - resulting in the development of inherently-weak, co-dominant stems above this height. This tree appears viable and is anticipated to incur no adverse construction effects due to its distance from areas of construction activity and provided compliance with installation of City-standard tree protection fencing beyond its TPZ, for the duration of all site construction activity, as shown on Figure 1. A permit to injure this neighbouring tree is not required due to a lack of construction activity encroachment within its TPZ.

* DBH: Diameter at breast height 1.4M above ground level; c- coppice growth: the tree forks into two or more stems below 1.4m and the stem of the largest diameter was measured.

** Condition: G- Good, F- Fair, P- Poor

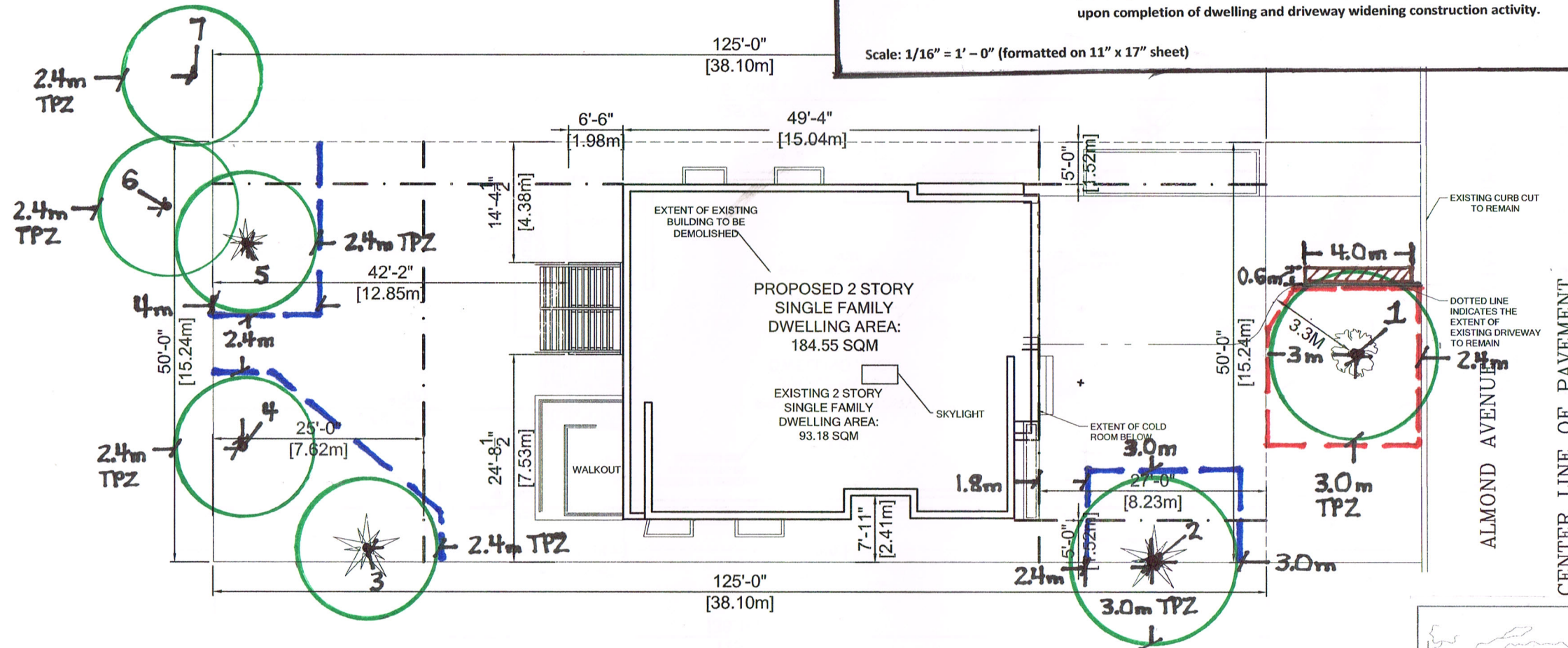


Figure 1: Tree Preservation Plan – 4 Almond Avenue, Markham

Prepared by Redbud Forestry Consultants for Mr. Saeed Rokh on January 25, 2021. Review along with the January 25, 2021 Tree Assessment & Preservation Plan (TAPP), including Appendix A, prepared by Redbud Forestry Consultants for the proposed development.

- Tree Protection Zone (TPZ) and tree # for By-Law regulated trees prescribed for removal under this development proposal.
- Tree Protection Zone (TPZ) and tree # for By-Law regulated trees prescribed for retention under this development proposal.
- Tree Protection Fencing – install 1.2m high plastic, web-fencing, with top and bottom wood rails, where on the Almond Avenue street allowance, to protect City-owned tree #1, in advance of and for the duration of all site construction activity.
- Tree Protection Fencing – install 1.2m high solid wood-clad sheets, where on the subject property, to protect all privately-owned trees, in advance of and for the duration of all site construction activity.
- Horizontal Hoarding – install two overlapping sheets of 3/4" thick plywood, screwed together, and placed above the section of the asphalt driveway that lies within the TPZ of tree #1, in advance of dwelling-related construction. Remove the hoarding upon completion of dwelling and driveway widening construction activity.

Scale: 1/16" = 1' - 0" (formatted on 11" x 17" sheet)



MINIMUM TREE PROTECTION DISTANCE FROM TRUNK:	MINIMUM TREE PROTECTION DISTANCE FROM TRUNK:
< 10cm DBH	1.2m
10-25cm DBH	1.8m
25-40cm 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	6.6m/10m*

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

TREE PROTECTION NOTES:

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

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED

MARKHAM ENGINEERING DEPARTMENT

DESIGNED BY: NTS
 TREE PRESERVATION DETAILS
 DATE: SEPTEMBER 2010
 DRAWN BY: THL
 CHECKED BY: MPI2

1 SITE PLAN
 SC: 1/16" = 1'

PROJECT NO: 105
 PROJECT TITLE: 4 ALMOND RESIDENTIAL
 4 ALMOND AVENUE, MARKHAM

SCALE: 1/16" = 1'
 DATE: 2021-01-22
 DRAWN BY: THL
 CHECKED BY: MPI2
 SHEET TITLE: SITE PLAN
 DWG. NO: A1.0
 ISSUED FOR: DISCUSSION ONLY
 CONCEPT DRAWING

APPENDIX "D"
STAFF REPORT: JANUARY 25, 2021

DATE: January 25, 2021
TO: Chairman and Members, Committee of Adjustment
FILE: A/131/20
ADDRESS: 4 Almond Ave – Markham, ON (Thornhill)
HEARING DATE: February 3, 2021

The applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements under By-law 2237, as amended, as they relate to a proposed two-storey detached dwelling:

- a) **Section 6.1:**
a side yard setback of 1.52 m (4.99 ft), whereas the By-law requires a minimum side yard setback of 1.80 m (5.91 ft);
- b) **Section 6.1:**
a maximum height of 9.06 m (29.72 ft), whereas the By-law permits a maximum height of 8.0 m (26.25 ft);
- c) **Infill By-law 101-90, Section 1 (vii):**
a floor area ratio of 61.0%, whereas the By-law permits a maximum floor area ratio of 50.0%.

COMMENTS

Upon review of the variance application, staff have expressed concern with the requested floor area ratio (FAR) of 61.0%, and recommended that it be reduced to better align with the scale of infill dwellings as permitted by the Infill By-law. The applicant has requested that the application be deferred to provide them with time to prepare revised drawings (Appendix “A”). Consequently, staff recommend that the application be deferred sine die to provide the applicant with adequate time to prepare and submit revised drawings.

APPENDICES


Appendix “A” – Applicant’s Request for Deferral: January 25, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting-Development Manager, West District

APPENDIX "A"
APPLICANT'S REQUEST FOR DEFERRAL: JANUARY 25, 2021

Todorovski, Aleks

From: Bishoi Shinoda <bshinoda@evansplanning.com>
Sent: Monday, January 25, 2021 1:50 PM
To: Todorovski, Aleks
Cc: Adam Layton; saeedrokh@yahoo.com
Subject: RE: Application Details Confirmation - A/131/20 - 4 Almond Avenue

Hi Aleks:

Notwithstanding my previous email, the client reached out to us providing a new direction. We would like to request a deferral till the following COA meeting. We are will be revising our drawings during the additional time. I will circulate to you the final updated plans and the corrected application form when ready.

If you have any questions, do not hesitate to contact me via email or cellphone. Thank you and looking forward to hearing back from you.

Thanks

Bishoi Shinoda M.E.S.
Associate Planner

Evans Planning Inc.

8481 Keele Street, Unit 12

Vaughan, ON L4K 1Z7

Cell: 647.784.1920

E: bshinoda@evansplanning.co

As York Region has been moved into the Grey Zone (Lockdown), our office will be adopting a "Work From Home" protocol until further notice. We will be keeping in touch via email transmissions and telephone and will use our best efforts to continue to move projects forward.

APPENDIX "D"
MINUTES EXTRACT: MARCH 24, 2021

PREVIOUS BUSINESS

1. A/131/20

Owner Name: Saeed Hassanirokh and Laila Khayat-Khameneh
Agent Name: Evans Planning Inc. (Adam Layton)
4 Almond Ave, Thornhill
PLAN M835 LOT 172

The applicant is requesting relief from the requirements of By-law 2237 as amended to permit:

- a) Section 6.1:**
a side yard setback of 1.52 metres, whereas the By-law requires a minimum side yard setback of 1.80 metres;
- b) Section 6.1:**
a maximum height of 8.64 metres, whereas the By-law permits a maximum height of 8.0 metres;
- c) Infill By-law 101-90, Section 1 (vii):**
a floor area ratio of 57.96 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

as it relates to a proposed two-storey detached dwelling. **(West District, Ward 1)**

The Secretary-Treasurer introduced the application.

The agent Adam Layton appeared on behalf of the application. He is representing the property-owner who wants to take down the house on the site and rebuild a new house on site. They concur with the planning staff position on the application. They had deferred their application previously and have now reduced their height variance. They have spoken to the adjacent neighbours to obtain their support for the proposal. This proposal is not inconsistent with other building types of the area. Mr. Layton recognizes there was letters of concern submitted but he contends Committee should focus on comments from residents in immediate vicinity of this subject property.

Zahra Parhizgari of 49 Almond Avenue spoke in support of the application. He contends that with increased work from home (WFH) measures, houses be designed to have a separate office space. He also states he believes the Zoning By-law is 'outdated' as it calculates garage area as part of floor area.

Homeira Shahsavand of 18 Henderson Avenue spoke in support of the application. She states that this proposed house will allow family to also WFH as well.

Tarun Dewan of Grandview Residents Association spoke in opposition of the application. He argues that the area has an In-fill By-law which is already generous in

Committee of Adjustment Minutes
Wednesday, March 24, 2021

what it permits a property-owner to build. They should building within In-fill By-law requirements, as he does not believe these variances

Heidi Sizha spoke in support of the application.

Frank Marchioni of 36 Almond Avenue spoke in opposition to the application. He is concerned about the floor area ratio proposed.

George Pronay of 3 Almond Avenue spoke in opposition to the application. He indicated he is a lawyer and builder as well. The area is not in transition.

Marilyn Ginsburg of 20 Almond Avenue spoke in opposition to the application. She does not believe this neighbourhood is in transition. She states that the neighbourhood does have an In-fill By-law in effect as well. 42 Almond Avenue is in-fill house which may have obtained variances as well. The In-fill By-law should permit a generous house built on this site.

Saviz Soltani of 25 Almond Avenue spoke in support to the application. He does not believe the presentations made by some residents to be accurate. He argues that the property-owner should be able to build what is appropriate for their family needs. He believes the neighbourhood is changing.

Mr. Layton responded that flat roof has height of 8.64m whereas a sloped roof would need to be 8.68m. Lot coverage and building depth is zoning compliant. No trees are being removed on site. In addition, design is not issue which the Committee can assess for this proposal.

Committee member Tom Gutfreund stated that design is not regulated by the Committee. In terms of the subdivision being developed with specific 'style', he does not believe that being accurate as the developers most likely developed the subdivision as a product to be sold. He also believes the floor area ratio should be reduced to 55 percent.

Committee member Jeamie Reingold commented that the proposal is not complimentary development. She does not believe it meets the test of desirability.

Committee member Sally Yan indicated that there is emotion and concern from local residents on the proposal. She inquired if the basement area is included as part of the gross floor area (GFA) calculation.

Mr. Layton responded that it is. If there were a cellar, then it would not be included in GFA calculation.

Committee member Patrick Sampson stated that he believes the scale and massing is not appropriate.

Committee of Adjustment Minutes
Wednesday, March 24, 2021

Committee member Kelvin Kwok comments that cumulatively, the variance requests is significant. He believes the FAR should be reduced.

Mr. Layton indicated they may be willing to reduce FAR to 55 percent.

Committee member Tom Gutfreund asked if the building height could also be reduced.

Mr. Layton responded that it would be difficult to reduce the height further due to the property's grading.

Committee member Sally Yan recommended the side yard setback be reduced as well.

Committee member Jeamie Reingold does not support the proposal and does not believe variances are needed to build on this site.

Committee member Arun Prasad recommend that a deferral may be appropriate to revise the proposal by the applicant.

Mr. Layton stated that client willing to reduce height to 8.49m.

Committee member Arun Prasad stated that the FAR should be reduced to 54 percent.

Moved By: Patrick Sampson
Seconded By: Sally Yan

THAT Application No A/131/20 be deferred sine die.

Resolution Carried

NEW BUSINESS:

1. **A/135/20**

Owner Name: Mr Thangarajah Baskaran and Meera Mahendra
Agent Name: Mr Thangarajah Baskaran
322 Elson St, Markham
PLAN 65M3669 LOT 110

The applicant is requesting relief from the requirements of By-law 90-81 as amended to permit: