

Memorandum to the City of Markham Committee of Adjustment

April 2, 2024

File: A/198/23
Address: 37 John Lyons Road, Markham
Applicant: Tim Choy
Agent: MA Development Services (Mathew Laing)
Hearing Date: Wednesday, April 3, 2024

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

The applicant is requesting relief from the “Residential (R1)” zone requirements under By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling. The variance requests are to permit:

- a) **By-law 1229, Section 11.2(c)(i):**
a side porch encroachment of 30 in (0.76 m), whereas the by-law permits a maximum encroachment of 18 in (0.45 m);
- b) **By-law 1229, Section 11.2(c)(i):**
a front yard encroachment of 43.68 in (1.10 m), whereas the by-law permits a maximum of 18 in (0.45 m);
- c) **By-law 99-90, Section 1.2(iii):**
a maximum building depth of 18.75 m (61.51 ft), whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft); and
- d) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.04 percent (328.75 m²), whereas the by-law permits a maximum floor area ratio of 45 percent (300.01 m²).

BACKGROUND

Property Description

This application was deferred by the Committee of Adjustment (the “Committee”) at the January 17, 2024, hearing to allow the applicant to address concern with the massing of the proposed dwelling expressed by both the Committee and area residents. (Refer to Minutes – Appendix “E”)

COMMENTS

On February 16, 2024, the applicant revised the minor variance application with the submission of plans that eliminate ‘open-to-below’ interior space and reduce the roof-pitch of north and west elevations. Notwithstanding these revisions, the requested variances remain unchanged. In a memorandum dated January 11, 2024 staff had no objection to approval of the application (Refer to Memo dated January 11, 2024– Appendix “F”). Considering the requested variances are unchanged, and the massing of the dwelling has been reduced staff have no additional comments.

The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional

variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

As of January 20, 2024, the City received 10 letters of support and 6 letters of opposition for the proposed development. 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 remain of the opinion that the variance requests satisfy the Planning Act criteria in assessing minor variances. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please see Appendix "D" for conditions to be attached to any approval of this application.

PREPARED BY:



Trisha Sridharan, Zoning Technician, Planning and Urban Design Department

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – TRCA Comments & Conditions

Appendix "D" – A/198/23 Conditions of Approval

Appendix "E" – Minutes Extract

Appendix "F" – Staff Memorandum dated January 11, 2024



Legend

Subject Lands

1: 1,128



57.3 0 28.65 57.3 Meters

Notes

Appendix B

File: 23.146920.000.00.MNV

Date: 4/2/2024

MM/DDYY

COPYRIGHT © IBW SURVEYORS LTD. 2022
 SURVEYOR'S REAL PROPERTY REPORT
 PART 1: PLAN OF SURVEY OF
 LOT 28,
 REGISTERED PLAN 65M-2693
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 250 METRES

PART 2: REPORT
 DESCRIPTION:
 PIN 02932-0073. PCL 28-1 SEC 65M2693; LT 28 PL 65M2693;
 S/T LT547235E
 MUNICIPAL ZONING:
 THIS SURVEY DOES NOT CERTIFY ZONING COMPLIANCE.
 REGISTERED EASEMENTS:
 SUBJECT TO EASEMENT AS IN INSTRUMENT No. LT547235

ADDITIONAL COMMENTS:
 FENCE AS SHOWN
 NOTE THE POSITION OF THE PLAYGROUND AT THE NORTH SIDE
 OF THE PROPERTY
 CURRENT OWNER: CAROL AND KENNETH WILDGOOSE

PREPARED FOR: 2652076 Ontario Ltd.

CAUTION
 THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE
 EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS
 ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

DISTANCE NOTES - METRIC
 DISTANCES AND COORDINATES ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048.
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999821.

BEARING NOTES
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE
 POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM
 ZONE 17, NAD83(CRS)S(2010).
 FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE
 APPLIED:
 P1,RP - 1'03'50" COUNTER-CLOCKWISE

INTEGRATION DATA

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL
 TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE)
 NAD83(CRS)S(2010).

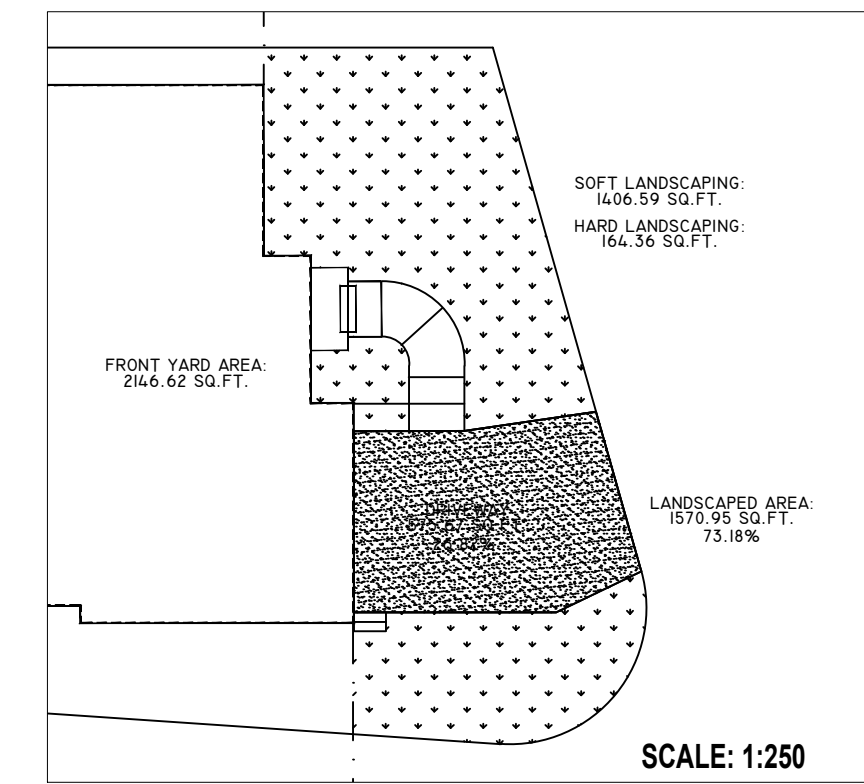
POINT ID	NORTHING	EASTING
A	4859451.83	640785.03
B	4859448.14	640815.25

URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

ERL-HUNT SURVEYORS
 A division of IBW Surveyors Ltd.
 IBWSURVEYORS.COM | 1.800.667.0696

PARTY CHIEF: JA | DRAWN BY: DH | CHECKED BY: CL | PLOT DATE: *
 FILE NAME: JOHN LYONS_160224 | copies available at LandSurveyRecords.com



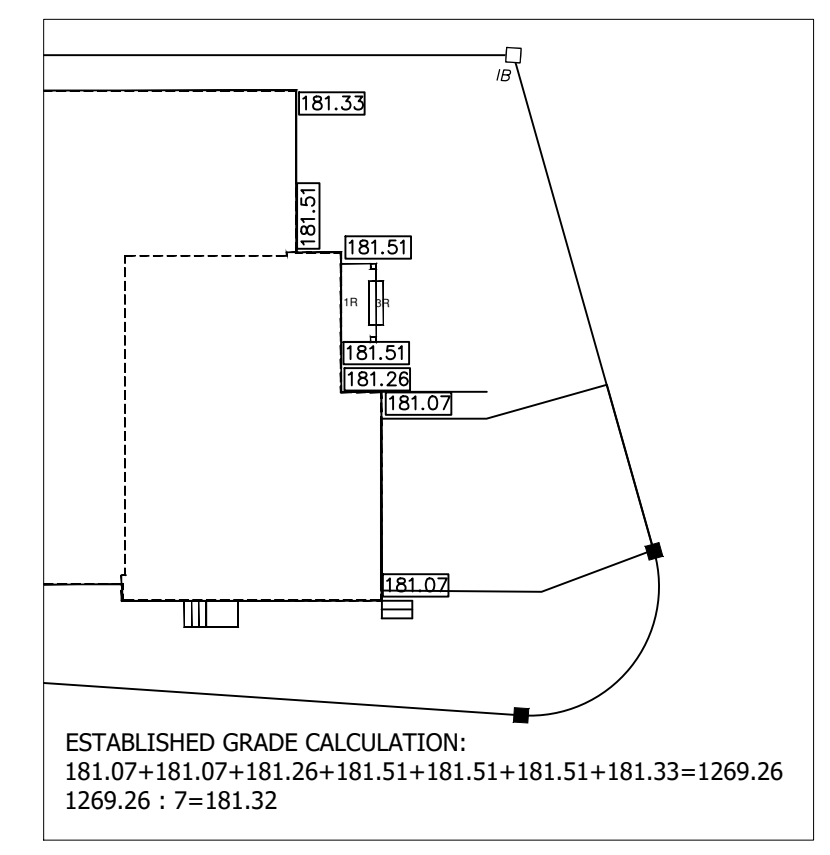
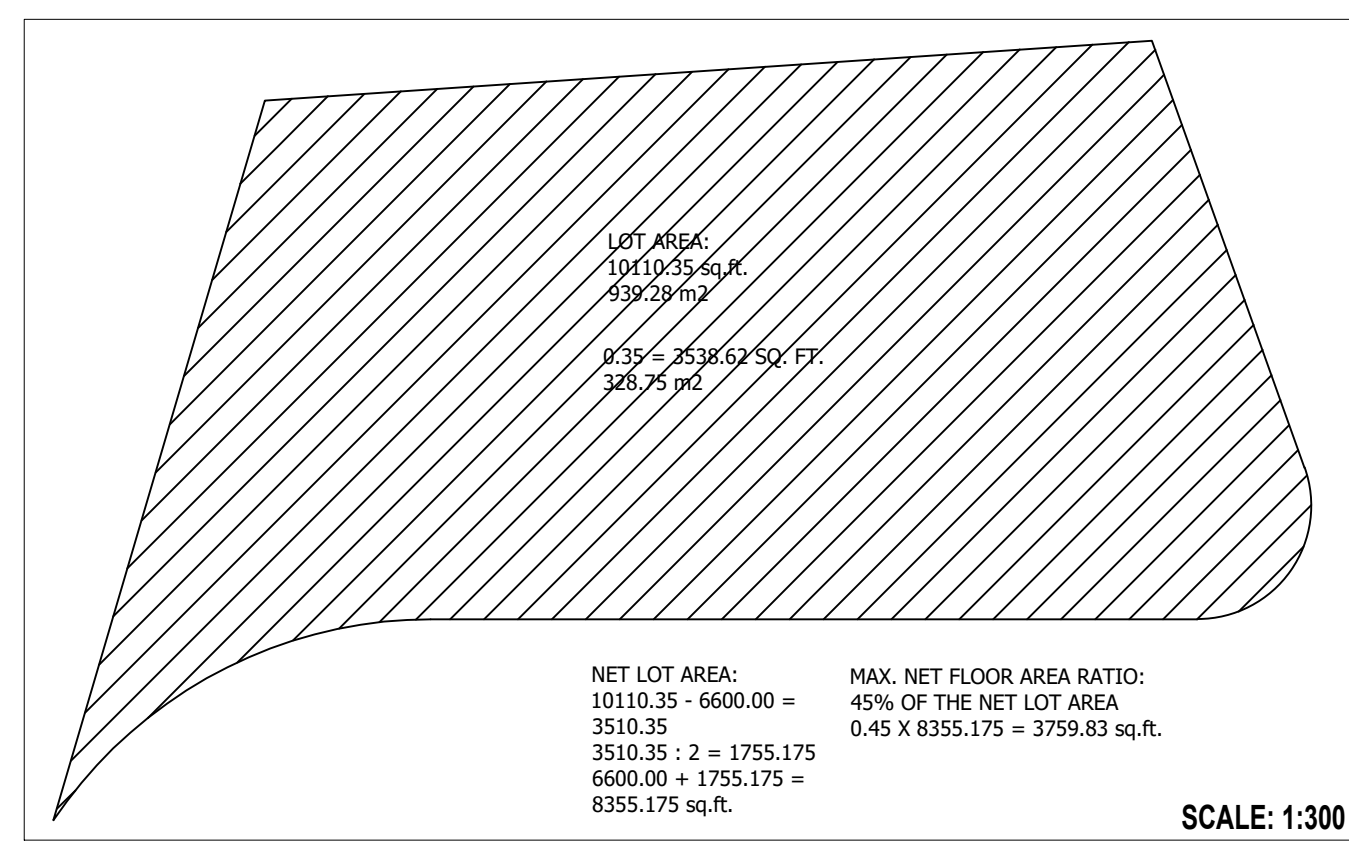
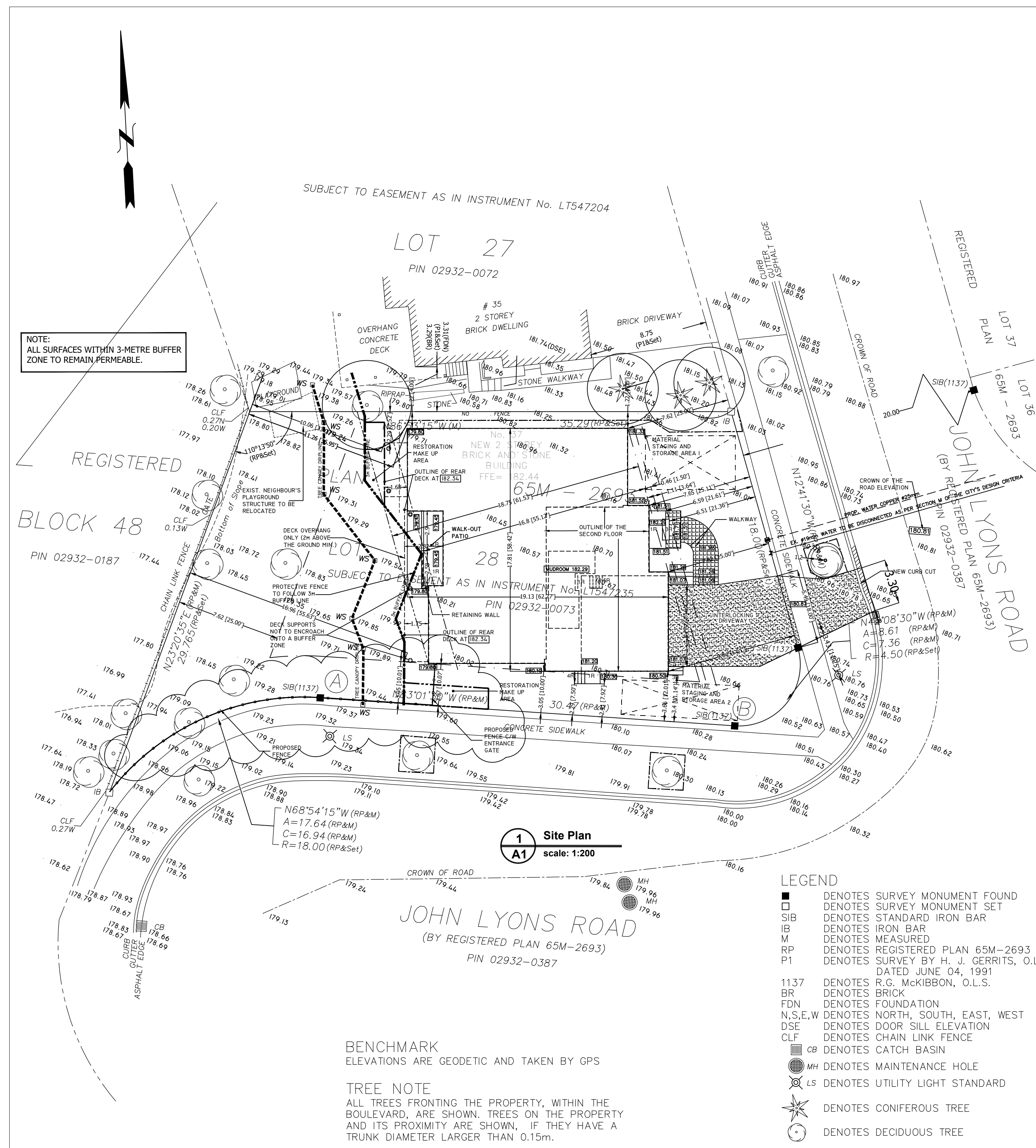
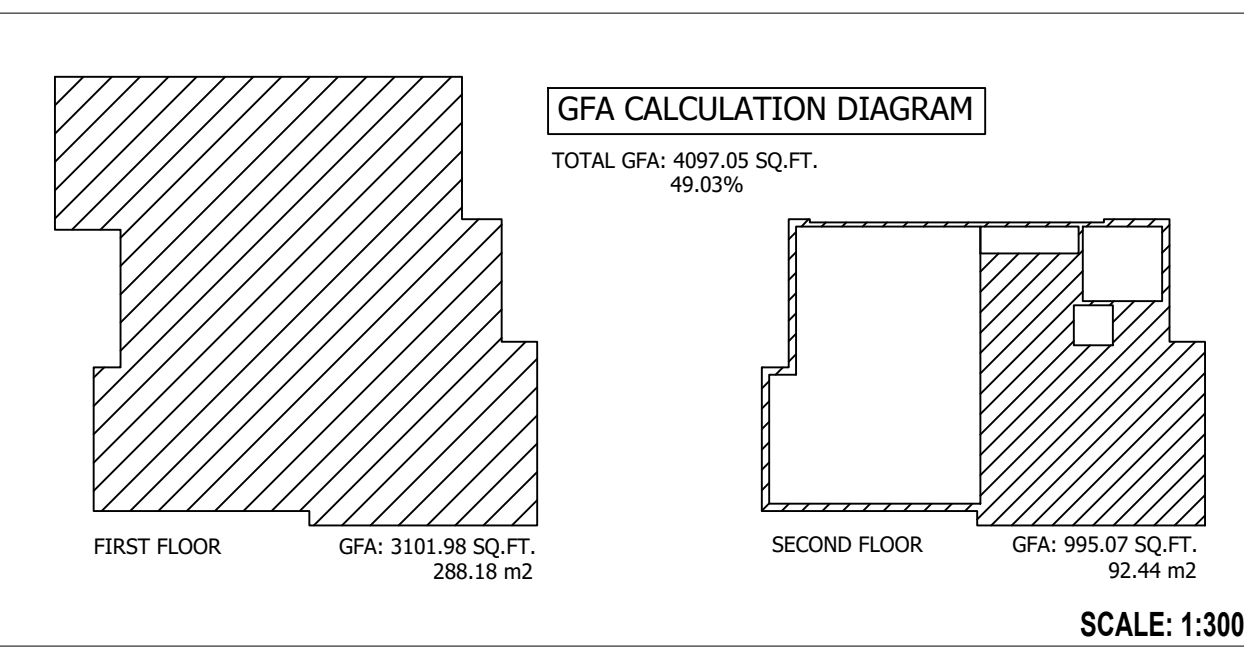
LANDSCAPING CALCULATION TABLE

DESCRIPTION	AREA (SQ.FT.)	PERCENTAGE
TOTAL FRONT YARD AREA	216.62	100%
PAVED FRONT YARD AREA (driveway)	57.67	26.62%
LANDSCAPED FRONT YARD AREA	157.95	73.18%
WITH SOFT SURFACE BEING 89.54% (146.59 SQ.FT.) OF THE LANDSCAPED AREA AND HARD SURFACE BEING 10.46% (164.36 SQ.FT.) OF THE LANDSCAPED AREA.		

SITE DEVELOPMENT FOR LOT 46, REGISTERED PLAN 4598, ZONING RD (R-4)

SITE DATA	REQUIRED / ALLOWED	PROPOSED
LOT AREA	10110.35 SQ.FT. (939.28 m ²) - EXISTING	
NET LOT AREA	10110.35 - 6600.00 = 3510.35 3510.35 : 2 = 1755.175 6600.00 + 1755.175 = 8355.175 sq.ft.	
LOT COVERAGE	3538.62 SQ.FT. (328.75 m ²) 35% OF LOT AREA ALLOWED	3229.34 SQ.FT. (300.01 m ²) 31.94% OF LOT AREA (INCLUDES COVERED FRONT PORCH AND COVERED REAR BALCONY)
MIN. LOT FRONTAGE	60.00'	74.62' (EXISTING)
NET FLOOR AREA RATIO	MAX. NET FLOOR AREA RATIO: 45% OF THE NET LOT AREA 0.45 X 8355.175 = 3759.83 sq.ft.	4097.05 SQ.FT. (380.62 m ²) 49.04% OF NET LOT AREA
FRONT YARD SETBACK	25.00'	25.00' (PROPOSED)
SIDE YARD SETBACK	6.0' FOR 2 STOREY BLDG. AND 4.0' 1 STOREY HIGH BLDG. 10.0' EXTERIOR SIDE YARD	4.0' NORTH SIDE YARD 10.0' SOUTH SIDE YARD
REAR YARD SETBACK	25.00'	36.95' (PROPOSED)
BUILDING DEPTH	16.8 m (55.12')	18.75 m (61.53')
BUILDING HEIGHT	9.8 m (32.15')	9.8 m (32.15')

	AREA	ELEVATION
REAR DECK	32.29 m ² 3.44% OF LOT AREA	182.34



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
6	REVISION (2nd CoFA HEARING)	FEB. 15 2024
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
 2239 COURRIER LANE
 MISSISSAUGA, ONTARIO, L5C 1V1
 PHONE: 416 456 6716

Project Name and Address

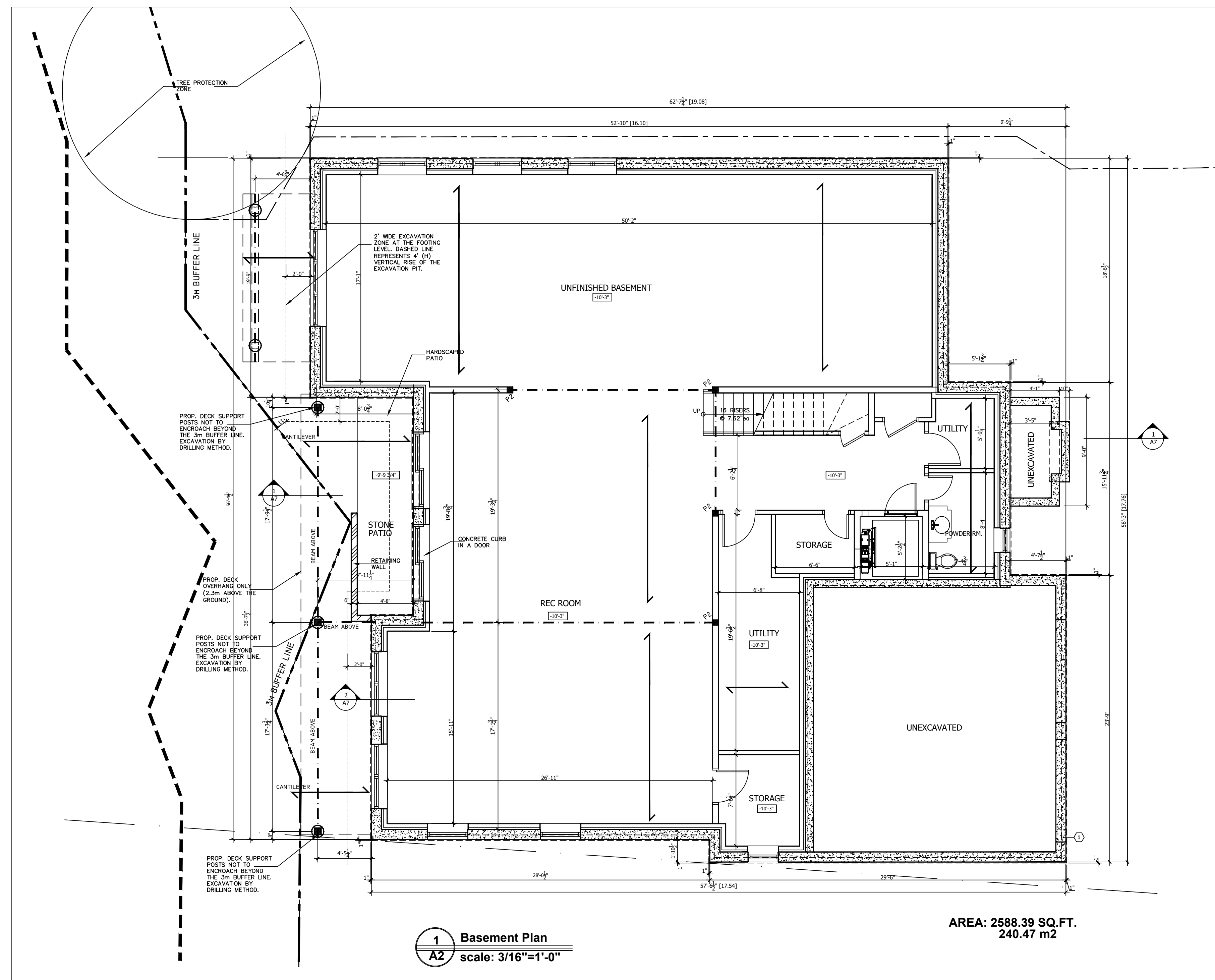
Private Residence
 37 JOHN LYONS ROAD
 Markham, Ontario

Project	Sheet
SITE PLAN & SITE DATA	A1.0
Date	Aug. 15, 2022
Scale	1:200

Appendix B

File: 23.146920.000.00.MNV

Date: 4/2/2024
MM/DD/YY



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
4	ZONING PRELIMINARY REVIEW REVISION	OCT.17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG.15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address

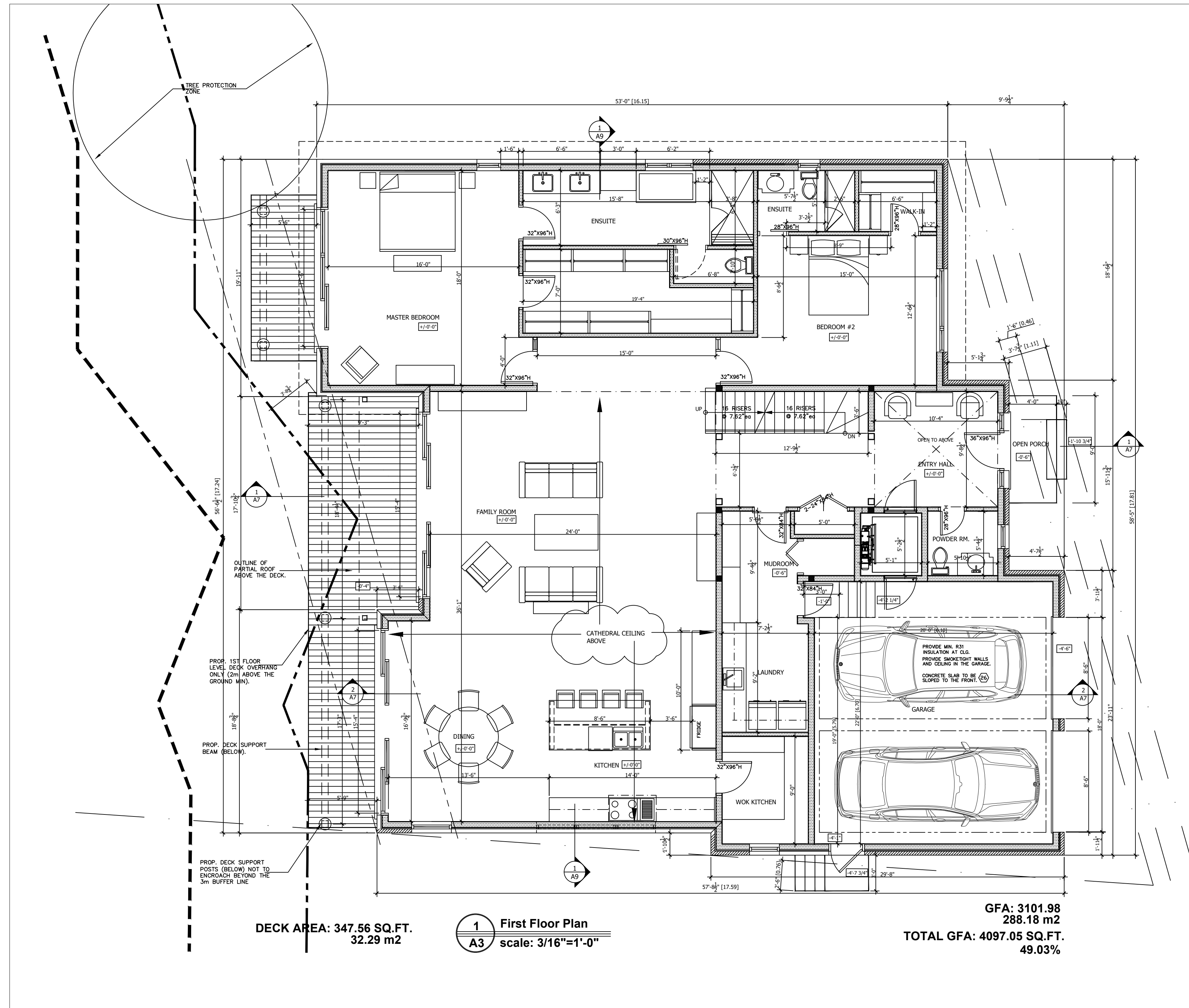
Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

Project	Sheet	
1ST FLOOR PLAN	A1.1	
Date		Aug. 15, 2022
Scale		3/16"=1'-0"

Appendix B

File: 23.146920.000.00.MNV

Date: 4/2/2024
MM/DD/YY



DECK AREA: 347.56 SQ.FT.
32.29 m2

1 First Floor Plan
A3 scale: 3/16"=1'-0"

GFA: 3101.98
288.18 m2
TOTAL GFA: 4097.05 SQ.FT.
49.03%

General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
6	REVISION (2nd CoFA HEARING)	FEB. 15 2024
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address

Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

Project	1ST FLOOR PLAN	Sheet	A1.2
Date	Aug. 15, 2022		
Scale	3/16"=1'-0"		

Appendix B

File: 23.146920.000.00.MNV

Date: 4/2/2024
MM/DD/YY

General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
6	REVISION (2nd CoFA HEARING)	FEB. 15 2024
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address

Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

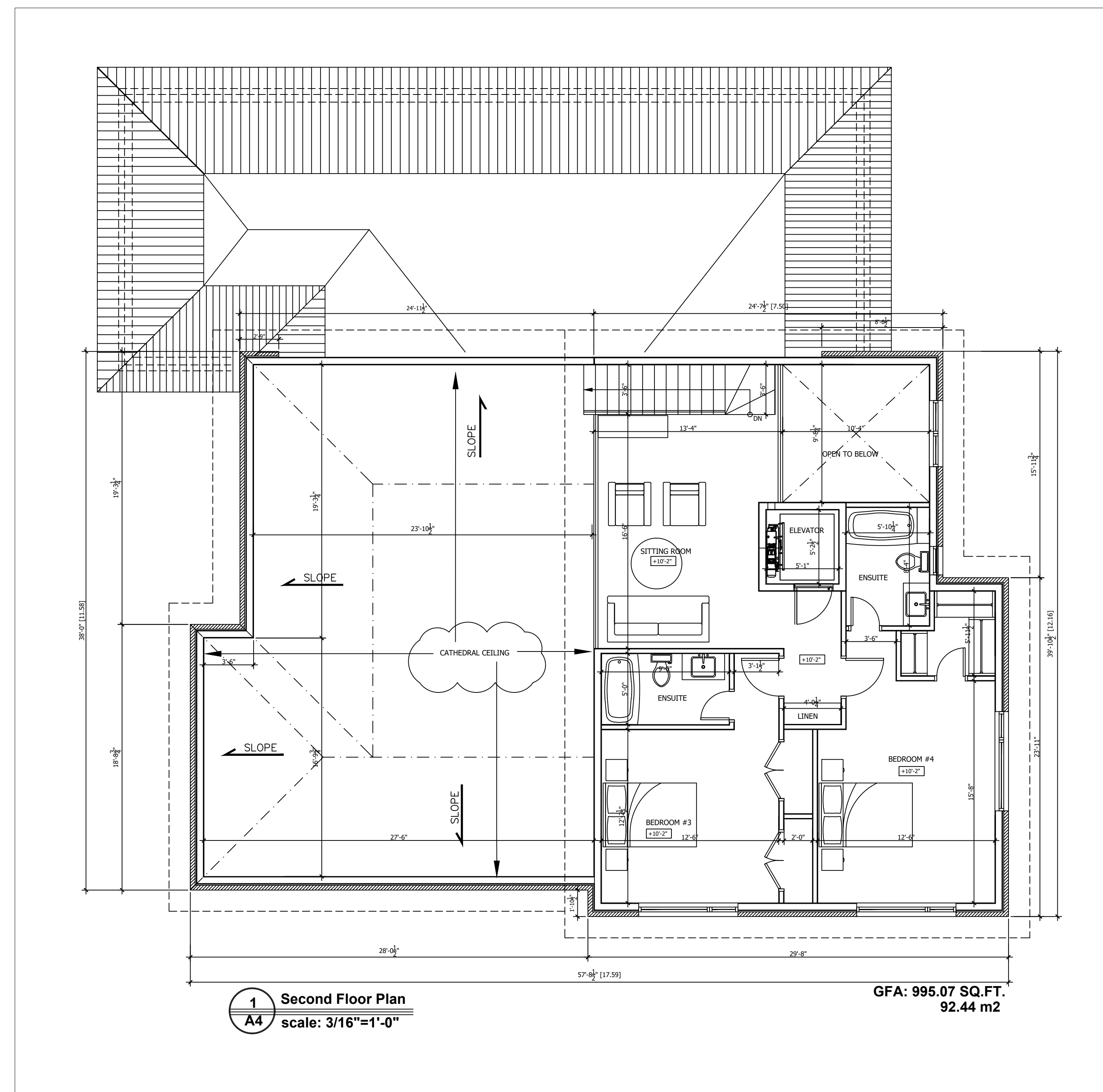
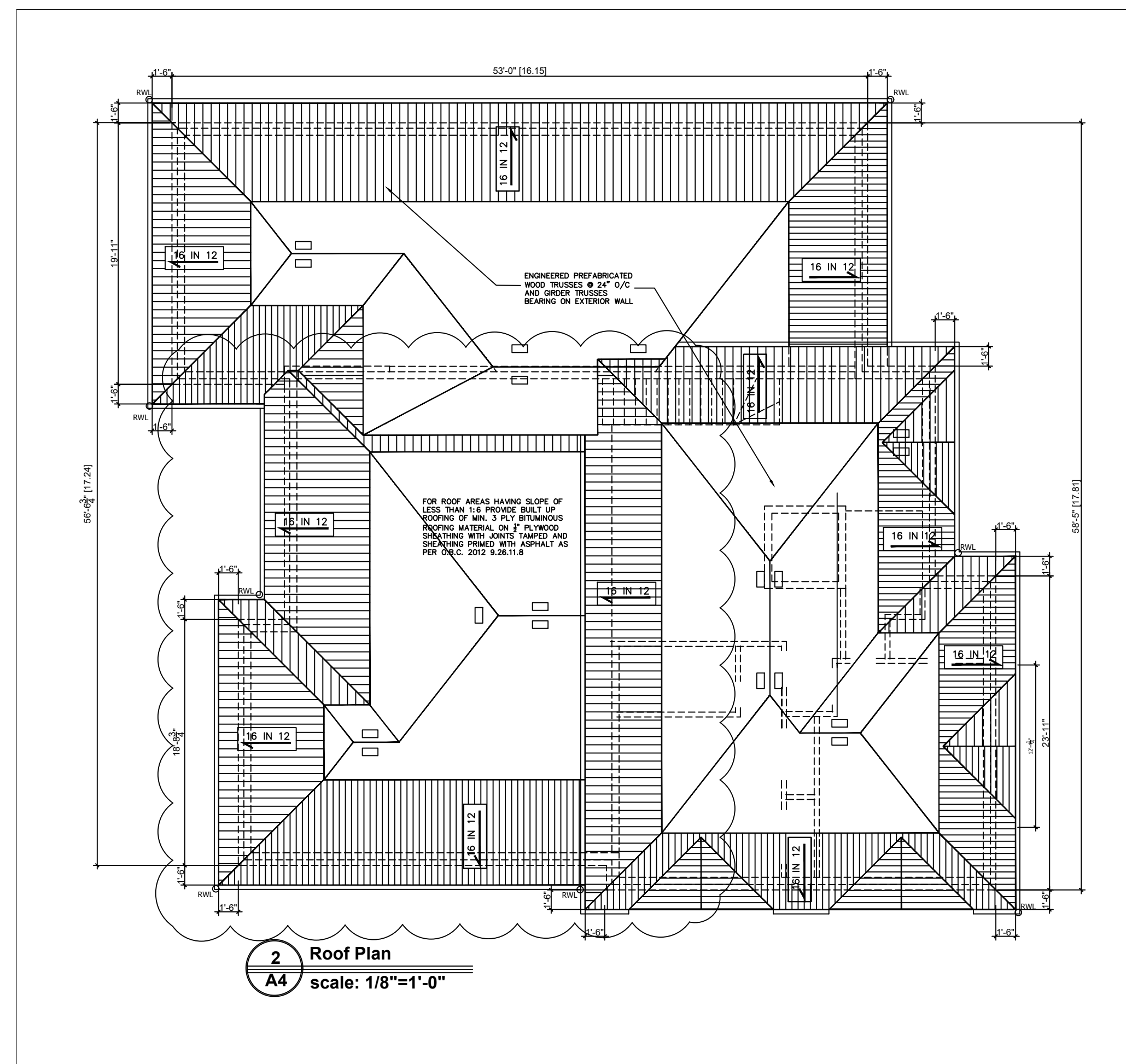
Project
2ND FLOOR PLAN

Date
Aug. 15, 2022

Scale
3/16"=1'-0"

Sheet

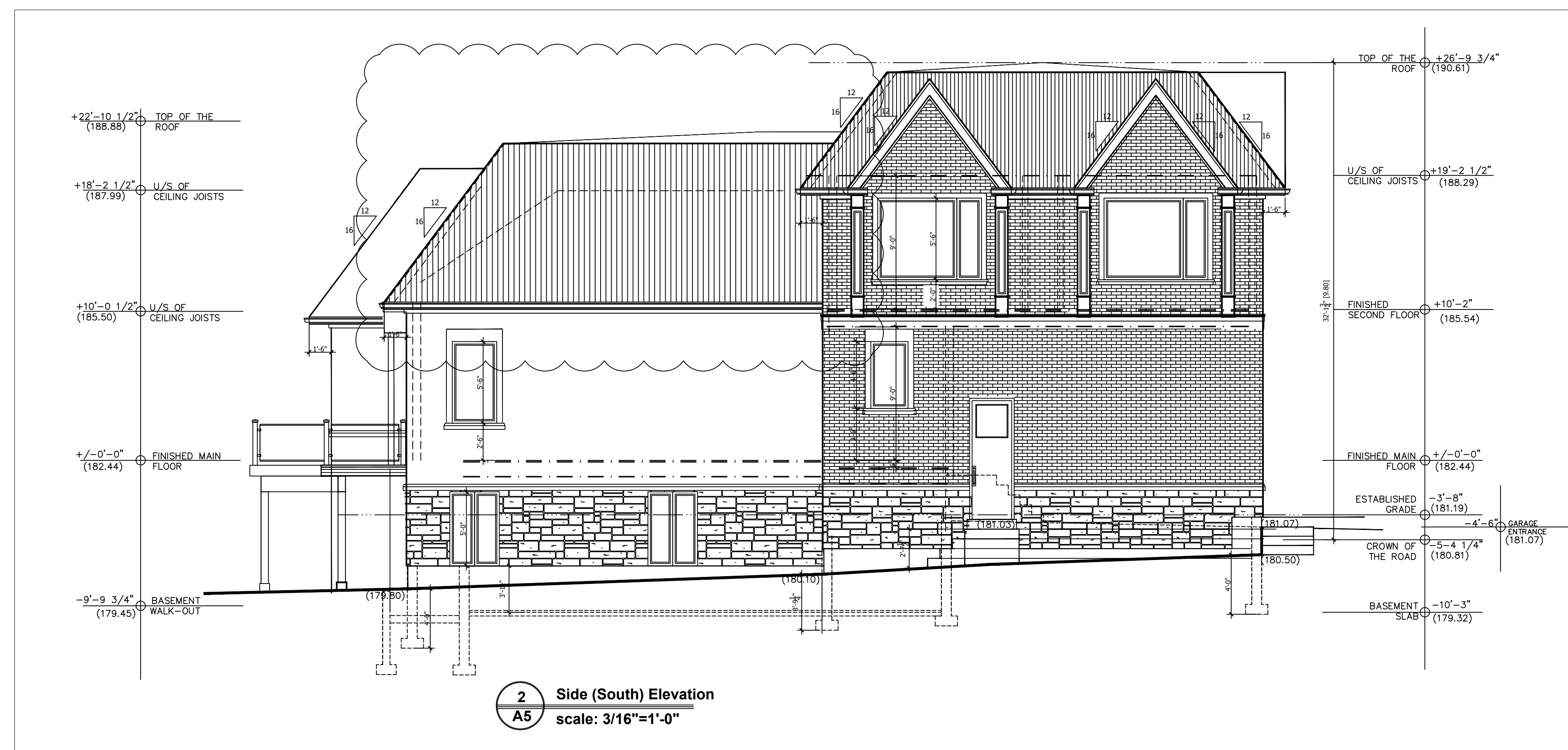
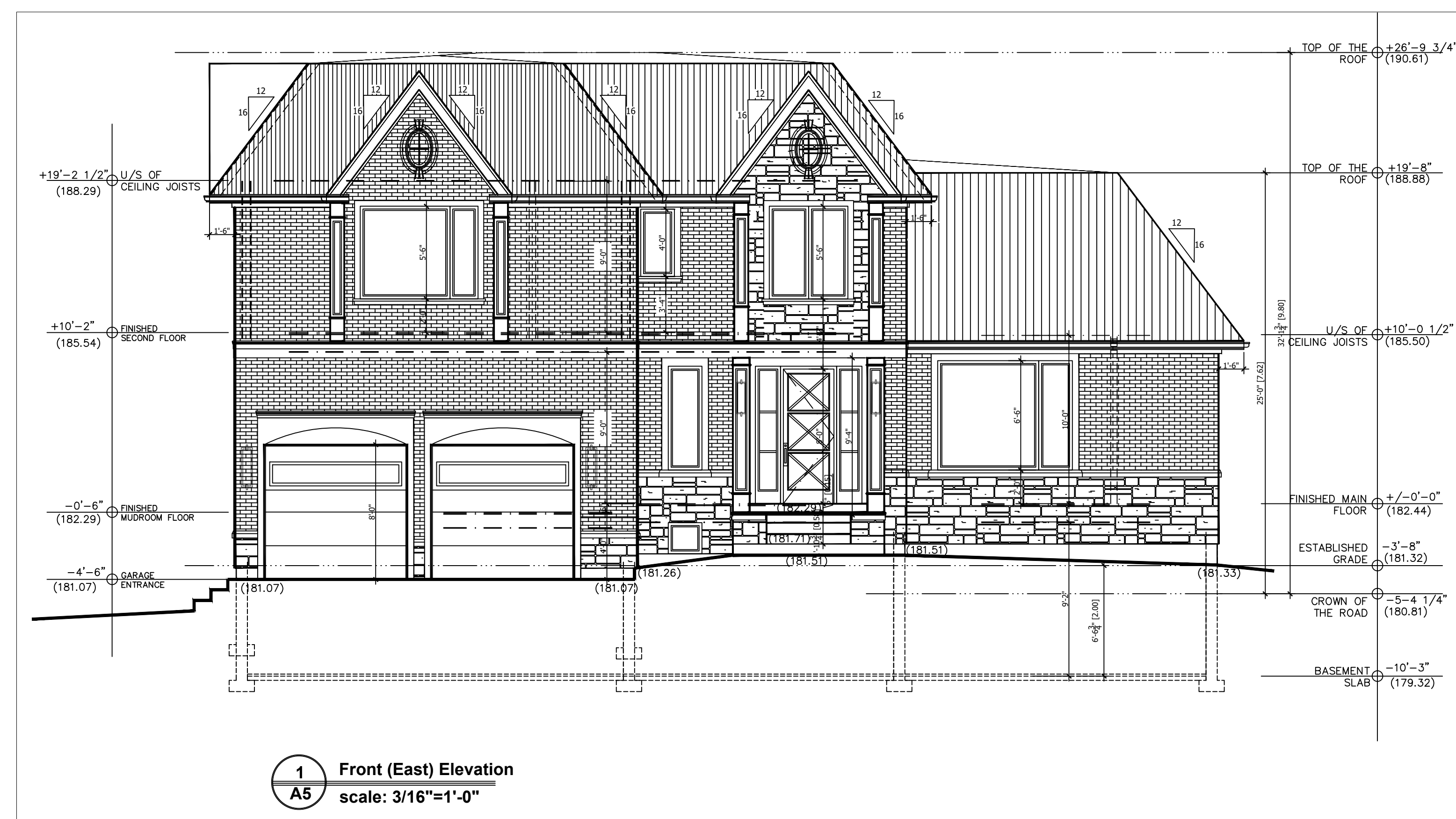
A1.3



Appendix B

File: 23.146920.000.00.MNV

Date: 4/2/2024
MM/DD/YY



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
6	REVISION (2nd CoFA HEARING)	FEB. 15 2024
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address

Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

Project ELEVATIONS

Date Aug. 15, 2022

Scale 3/16"=1'-0"

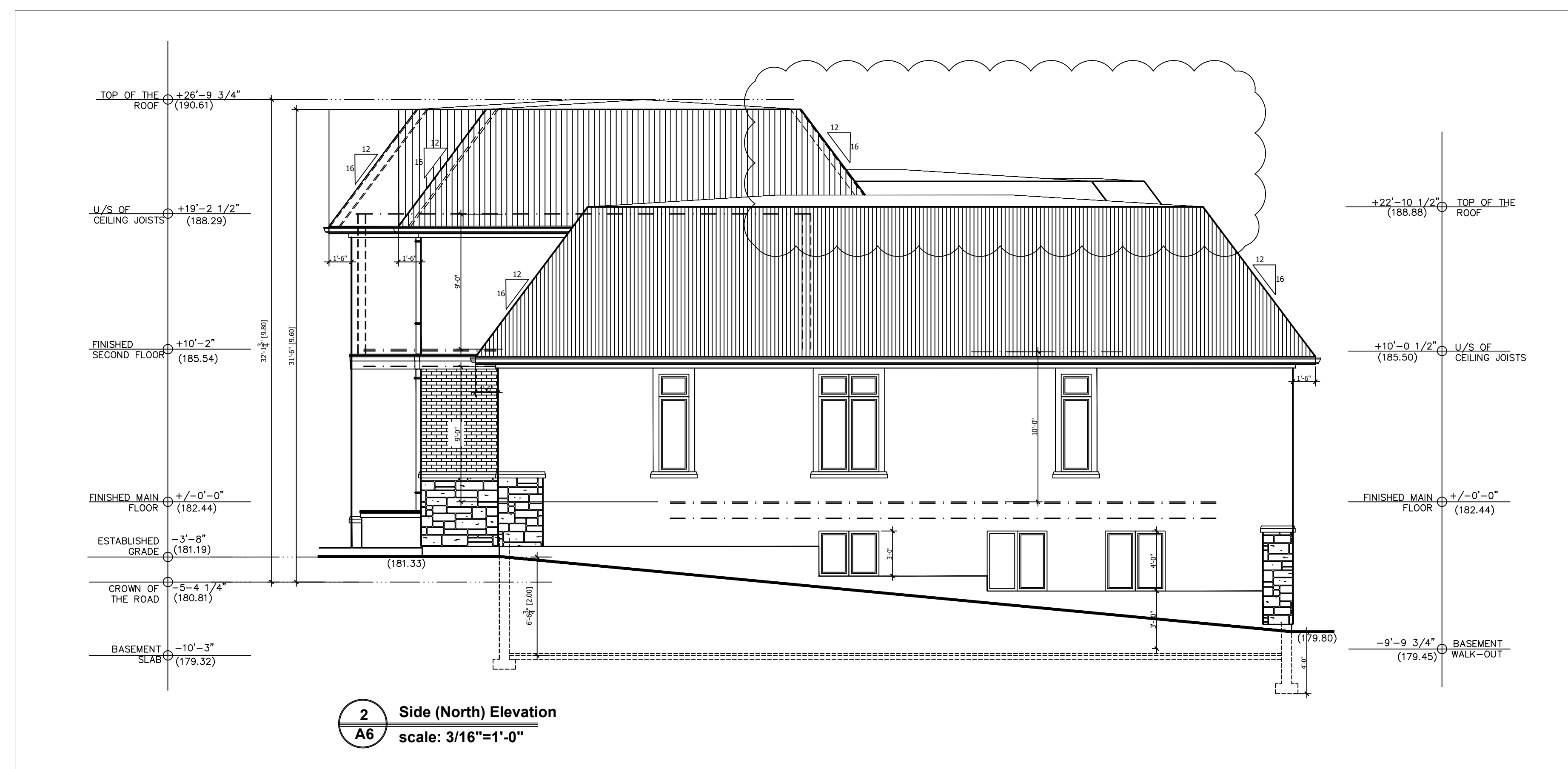
Sheet

A2.1

Appendix B

File: 23.146920.000.00.MNV

Date: 4/2/2024
MM/DD/YY



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
6	REVISION (2nd CoFA HEARING)	FEB. 15 2024
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address

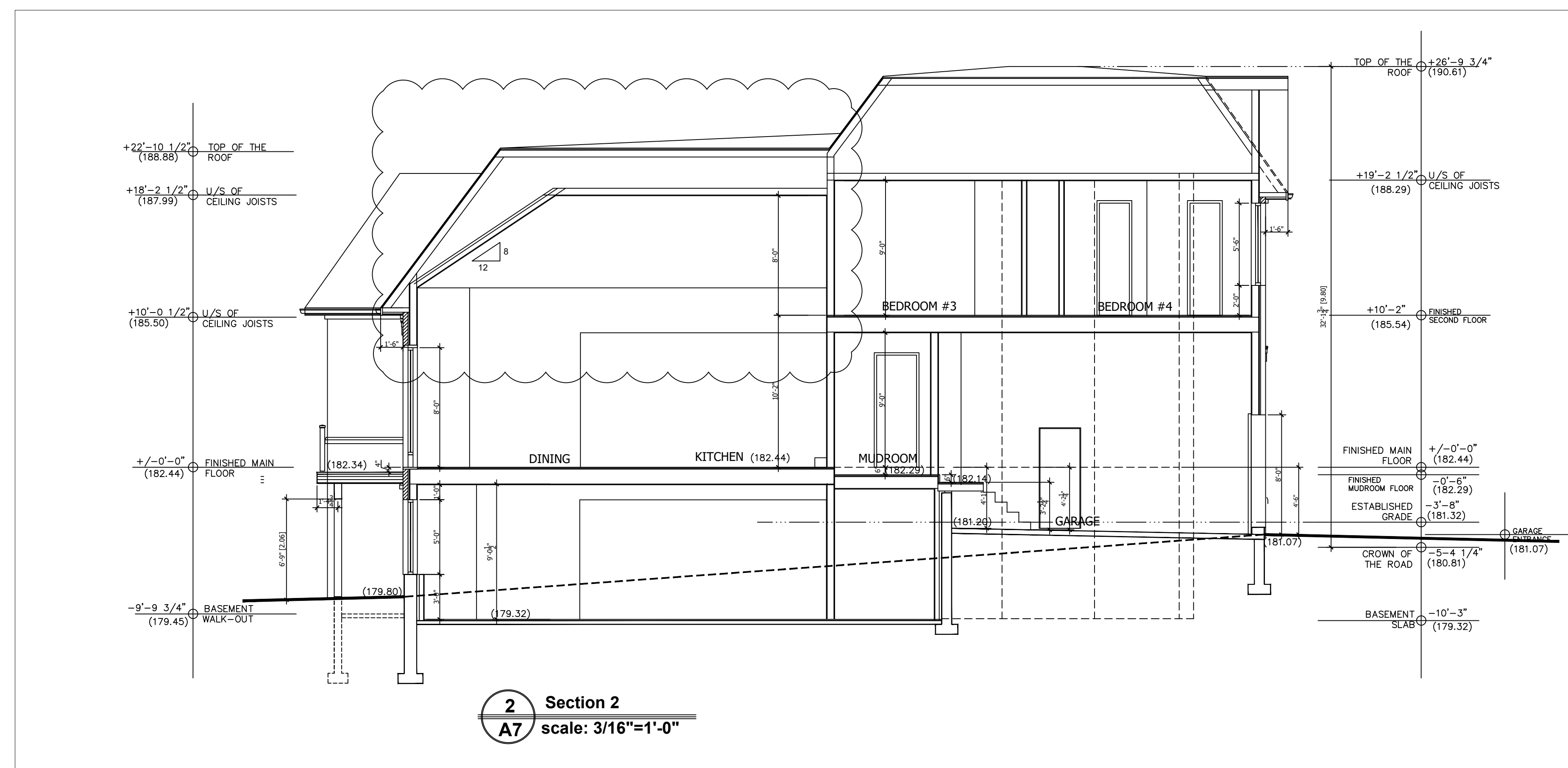
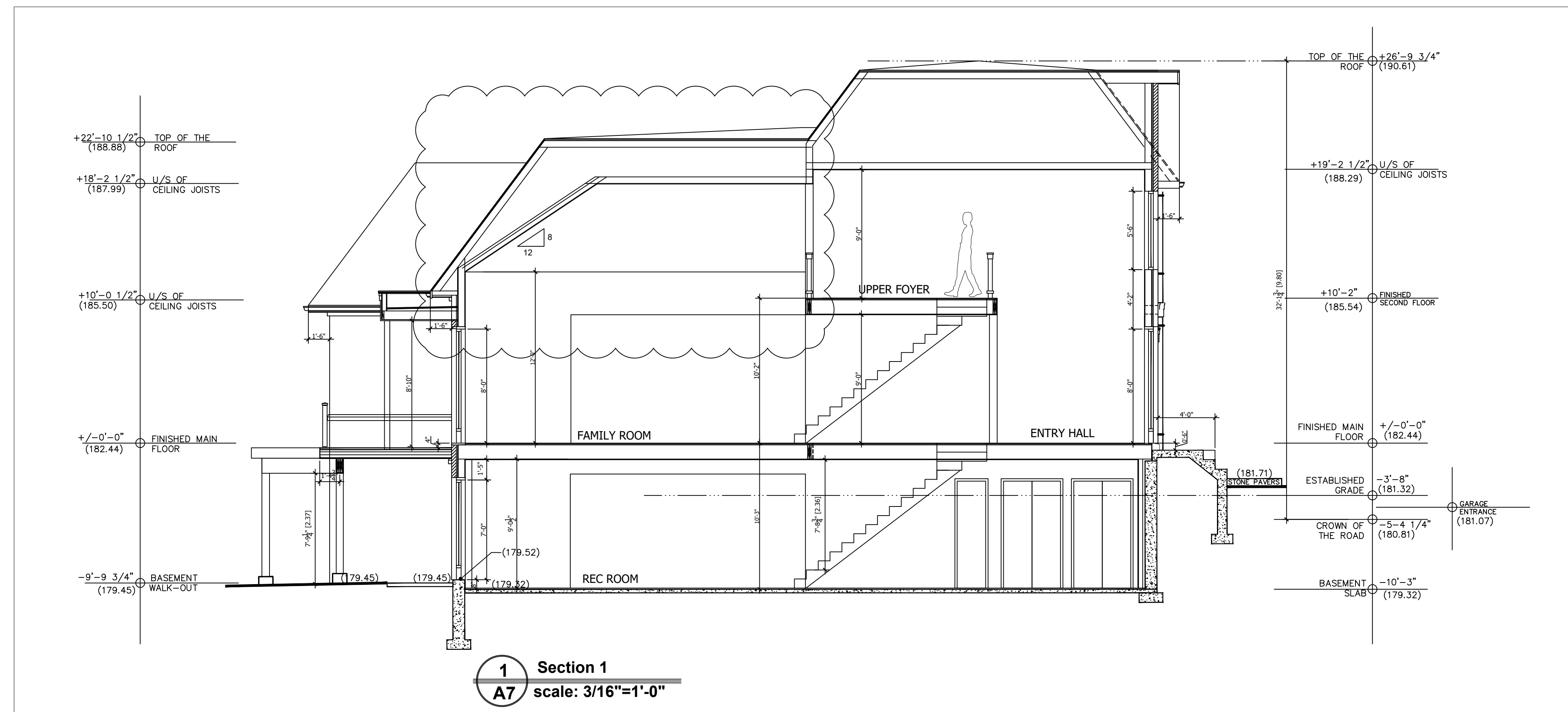
Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

Project	Sheet
ELEVATIONS	A2.2
Date	Aug. 15, 2022
Scale	3/16"=1'-0"

Appendix B

File: 23.146920.000.MNV

Date: 4/2/2024
MM/DD/YY



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
6	REVISION (2nd CoFA HEARING)	FEB. 15 2024
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:


AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address

Private Residence
37 JOHN LYONS ROAD
Markham, Ontario


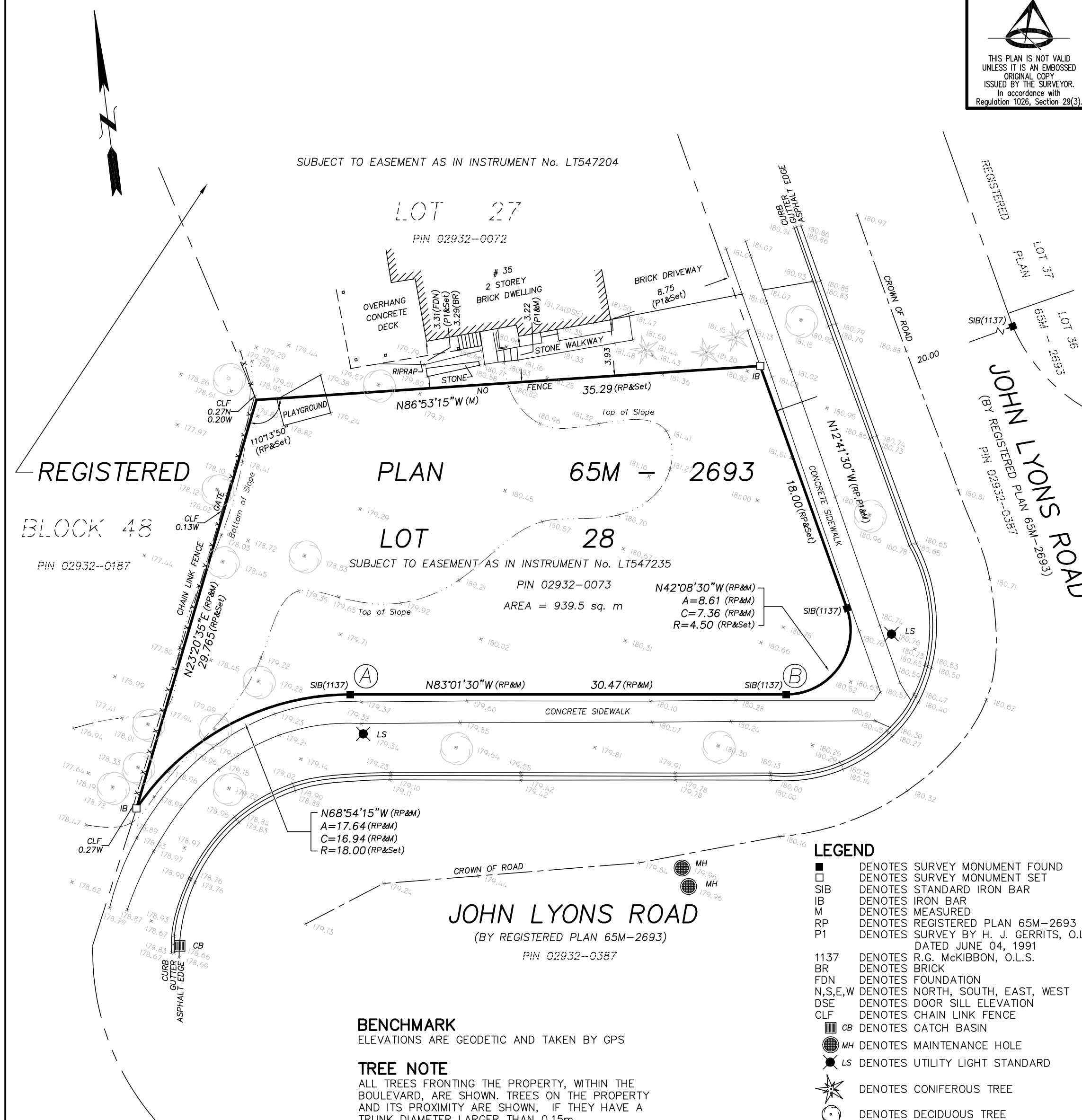
Project	Sheet	
SECTIONS	A3.1	
Date		Aug. 15, 2022
Scale		3/16"=1'-0"

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2187781



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

COPYRIGHT © IBW SURVEYORS LTD. 2022
SURVEYOR'S REAL PROPERTY REPORT
PART 1: PLAN Appendix B
LOT 28
REGISTERED PLAN 65M-2693
File: 23.146920.000.00.MNV-2693
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
Date: 4/2/2024
SCALE 1 : 250 METRES MM/DD/YY

PART 2: REPORT
DESCRIPTION:
PIN 02932-0073. PCL 28-1 SEC 65M2693; LT 28 PL 65M2693;
S/T LT547235E
MUNICIPAL ZONING:
THIS SURVEY DOES NOT CERTIFY ZONING COMPLIANCE.
REGISTERED EASEMENTS:
SUBJECT TO EASEMENT AS IN INSTRUMENT No. LT547235
ADDITIONAL COMMENTS:
FENCE AS SHOWN
NOTE THE POSITION OF THE PLAYGROUND AT THE NORTH SIDE
OF THE PROPERTY
CURRENT OWNER: CAROL AND KENNETH WILDGOOSE

PREPARED FOR: **2652076 Ontario Ltd.**

CAUTION
THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE
EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS
ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

DISTANCE NOTES - METRIC
DISTANCES AND COORDINATES ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999821.

BEARING NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE
POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM
ZONE 17, NAD83(CRS)(2010).
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE
APPLIED:
P1,RP - 1°03'50" COUNTER-CLOCKWISE

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN
ACCORDANCE WITH THE SURVEYS ACT AND THE
SURVEYORS ACT AND THE REGULATIONS MADE UNDER
THEM.
2. THE SURVEY WAS COMPLETED ON MARCH 10TH, 2022.

May 2nd 2022 *Lawrence O. Ertl*
DATE LAWRENCE O. ERTL, O.L.S.

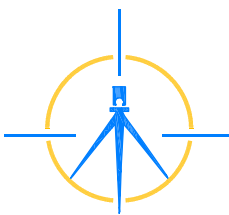
INTEGRATION DATA

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83(CRS)(2010).

URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.

POINT ID	NORTHING	EASTING
A	4859451.83	640785.03
B	4859448.14	640815.25

ERTL-HUNT SURVEYORS
A division of IBW Surveyors Ltd.
IBWSURVEYORS.COM | 1.800.667.0696

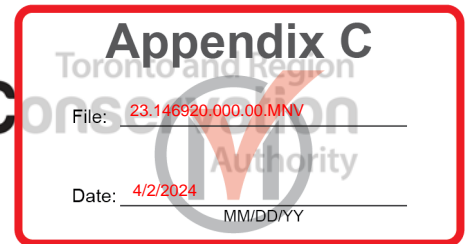


PARTY CHIEF: JA | DRAWN BY: DH | CHECKED BY: CL | PLOT DATE: *
FILE NAME: A-033126-SRPR_v2 | copies available at LandSurveyRecords.com

BENCHMARK
ELEVATIONS ARE GEODETIC AND TAKEN BY GPS

TREE NOTE
ALL TREES FRONTING THE PROPERTY, WITHIN THE
BOULEVARD, ARE SHOWN. TREES ON THE PROPERTY
AND ITS PROXIMITY ARE SHOWN, IF THEY HAVE A
TRUNK DIAMETER LARGER THAN 0.15m.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - M DENOTES MEASURED
 - RP DENOTES REGISTERED PLAN 65M-2693
 - P1 DENOTES SURVEY BY H. J. GERRITS, O.L.S. DATED JUNE 04, 1991
 - 1137 DENOTES R.G. McKIBBON, O.L.S.
 - BR DENOTES BRICK
 - FDN DENOTES FOUNDATION
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - DSE DENOTES DOOR SILL ELEVATION
 - CLF DENOTES CHAIN LINK FENCE
 - CB DENOTES CATCH BASIN
 - MH DENOTES MAINTENANCE HOLE
 - LS DENOTES UTILITY LIGHT STANDARD
 - ★ DENOTES CONIFEROUS TREE
 - DENOTES DECIDUOUS TREE



December 6, 2023

CFN 68438.19
Ex Ref: 66380.14

Via E-Plan

Dear Trisha Sridharan

**Re: Minor Variance Application – (Application No. A/198/23)
37 John Lyons Road
Lot 28, PLAN 65M2693, Markham
(Highway 7 and Wootten Way North)
Applicant: MA Development Services (Mathew Laing)
Owner: Tim Choy**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on November 22, 2023. We provide the following in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to request relief from the following requirements of By-law 2237, as amended, to facilitate the development of a two-storey residential dwelling:

- a) By-law 1229, Section 11.2(c)(i): a side porch encroachment of 30 inches, whereas the by-law permits a maximum encroachment of 18 inches;
- b) By-law 1229, Section 11.2(c)(i): a front yard encroachment of 43.68 inches, whereas the by-law permits a maximum of 18 inches;
- c) By-law 99-90, Section 1.2(iii): a depth of 18.75 metres, whereas the by-law permits a maximum depth of 16.8 metres; and
- d) By-law 99-90, Section 1.2(vi): a maximum floor area ratio of 49.04 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

Background

TRCA staff conducted a natural feature staking exercise on September 19, 2022, for the purposes of staking the limits of the natural features on the property, as part of a Concept Development Application (CFN 66380.14). A natural feature staking letter was provided to the applicant and owner on October 24, 2022, confirming receipt of the staking survey and outlined the required studies and information needed to define the Natural System (i.e., natural hazards, natural features, and buffer areas) that would need to be protected as part of any future development application. An updated survey delineating the staked dripline, prepared by

ERTL-HUNT Surveyors, dated September 23, 2022, was submitted to the satisfaction of TRCA on October 12, 2022.

The site plan circulated in support of this Minor Variance Application appears to be consistent with the staking survey reviewed as part of the associated Concept Development Application. Staff note that a 3-metre setback of the dripline can be permitted, once additional TRCA comments have been addressed at the TRCA permit stage.

TRCA Permit Requirements

The subject lands contain a valley corridor associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Based on the review of materials circulated with this application, the proposed development is located within the regulated portions of the property. Thus, **a permit is required** from TRCA to facilitate the development associated with this application. Please contact undersigned for Permit Application requirement checklist.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$950 (Minor Variance – Residential - Standard). The applicant is responsible for fee payment within 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval Application A/198/23 subject to the **conditions** identified in Appendix A.

Should you have any questions or comments, please contact the undersigned.

Regards,



Rameez Sadafal
Planner I – York East Review Team
Development Planning and Permits | Development and Engineering Services
Telephone: (437) 880-2163
Email: rameez.sadafal@trca.ca

/rs

Attached: Appendix A: TRCA Conditions of Approval

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$950 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> .

APPENDIX “D”

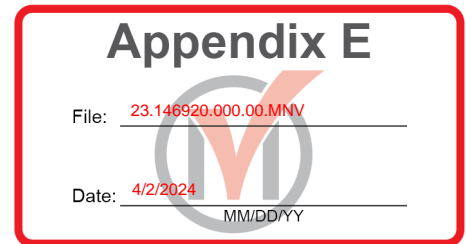
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/198/23

1. The variance apply only to the proposed development as long as it remains;
2. That the variance apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” of this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations; and
6. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “C” 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:



Trisha Sridharan, Zoning Technician, Planning and Urban Design Department



**January 17, 2024
7:00 PM**

**CITY OF MARKHAM
Virtual Meeting on Zoom**

COMMITTEE OF ADJUSTMENT

Minutes

The 1st regular meeting of the Committee of Adjustment for the year 2024 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 PM
Tom Gutfreund	7:00 PM
Jeamie Reingold	7:00 PM
Sally Yan	7:00 PM
Patrick Sampson	7:00 PM

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Michelle Chen, Development Technician

Regrets

Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: December 13, 2023

THAT the minutes of Meeting No. 22, of the City of Markham Committee of Adjustment, held December 13, 2023 respectively, be:

- a) Approved on January 17th, 2023.

**Moved by: Tom Gutfreund
Seconded by: Jeamie Reingold**

Carried

PREVIOUS BUSINESS

1. A/156/23

Owner Name: Ruifu Zhang
Agent Name: LHW Engineering (Lihang Wang)
5 Sherwood Forest Drive, Markham
PLAN 5810 LOT 149

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

- a) By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.8 percent, whereas the by-law permits a maximum of 45 percent;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee, noting that the rear yard variance had been removed and the floor area ratio had been reduced. However, Elizabeth noted that the front elevation appeared to be the same, and massing at the streetscape remained unchanged. The two-storey entrance, open to the below space, and the carport emphasized the massing. The massing and scale of the proposal were undesirable and did not suit the streetscape.

Member Reingold acknowledged the proposal had been reduced and the rear yard variance removed. However, they indicated that the massing at the streetscape remained the same and needed to be better matched with the streetscape, as no other homes with this massing were seen on the street. In particular, the two-storey portico added the appearance of height, and the closed-in carport appeared to be a garage.

Member Gutfreund thanked the agent for responding to the Committee's comments regarding the reductions and agreed with their colleague that the entrance, massing, and opening to-below space contributed to the height and that the dwelling would impose on the streetscape.

Member Yan recognized that the floor area ratio had been reduced and the rear yard variance had been removed but maintained their position from the last meeting that the massing and scale of the structure at the streetscape needed to be reduced.

Tony Yu responded to the Committee that the additional area that created the floor area ratio was the sunroom at the rear of the dwelling. The owner had considered the streetscape and requested the design to complement the design of 21 Sherwood Forest Drive.

Member Gutfreund indicated that the position of the Committee regarding massing and scale at the streetscape remained unchanged from the previous meeting.

The Chair asked the applicant if they wanted to defer the application.

Tony Yu confirmed that they were requesting a deferral.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold
Seconded by: Tom Gutfreund

THAT Application No. **A/156/23** be **deferred** sine die.

Resolution Carried

NEW BUSINESS:

1. A/198/23

Owner Name: Tim Choy (Tim Choy)
Agent Name: MA Development Services (Mathew Laing)
37 John Lyons Road, Markham
PLAN 65M2693 LOT 28

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

- a) **By-law 1229, Section 11.2(c)(i):**
a side porch encroachment of 30 inches, whereas the by-law permits a maximum encroachment of 18 inches;
- b) **By-law 1229, Section 11.2(c)(i):**
a front yard encroachment of 43.68 inches, whereas the by-law permits a maximum of 18 inches;
- c) **By-law 99-90, Section 1.2(iii):**
a depth of 18.75 metres, whereas the by-law permits a maximum depth of 16.8 metres; and
- d) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.04 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;

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

The Chair introduced the application.

The agent, Mathew Laing, appeared on behalf of the application. A pre-application meeting was held with City and TRCA staff, and adjustments were made to the design according to staff recommendations. The conditions were accepted as listed in the staff report.

The Committee received sixteen written pieces of correspondence.

Gerrard Monotocchio, a neighbour, spoke, indicating that the proposal did not fit the neighbourhood's character regarding size and massing. While the design was compatible, the scale and size of the home were more significant than any other on the street, and the request was not minor and would have significant impacts on the neighbouring properties.

Jamie McClelland, a neighbour, agreed with Gerrard Monotocchio that the homes massing appeared wider and deeper than other homes on the streets. Jamie indicated that the proposal did not meet the intent of the Official Plan policies regarding established neighbourhoods.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee, pointing out that the proposal was for a very large home that included significant open-to-below space that added to the massing of the house and was beyond what was reasonable for the neighbourhood. The proposal did not reflect the streetscape, and the requested variances were not minor or desirable.

Member Sampson noted that the floor area ratio did not include the open-to-below space.

Member Gutfreund agreed with their colleagues and the community speakers that the issue with the proposal was the massing. A large amount of open-to-below space had been included, and the house was very large and would be prominent as it was a corner lot.

Member Yan also agreed with their colleagues that the massing and scale of the proposal were not suitable for the street and recommended altering the proposal to reduce the massing, particularly on the south streetscape.

Member Reingold commented that the home was a good transitional design that would suit the streetscape if the massing was reduced.

The Chair clarified that any subsequent changes to the floor plans would require building permits and possibly minor variances.

After consideration of the comments, Mathew Laing requested a deferral.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Sally Yan

THAT Application No. **A/198/23** be **deferred** sine die.

Resolution Carried

2. A/165/23

Owner Name: Ye Li
Agent Name: JIN Architect (Carol Jin)
62 Summerfeldt Crescent, Markham
PLAN M1441 LOT 117

The applicant was requesting relief from the requirements of By-law 11-72, as amended, to permit:

- a) **By-law 11-72, Section 3.7:**
a roof overhang of 36 inches into the required yards, whereas the by-law permits no more than 18 inches into any required yard;
- b) **By-law 11-72, Section 3.7:**
uncovered steps that project 9 feet 4 inches into the required front yard, whereas the by-law permits uncovered steps to project no more than 5 feet into the required front yard;
- c) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum front yard setback of 26 feet, whereas the by-law requires a minimum front yard setback of 27 feet;
- d) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum side yard setback of 4 feet for the north side yard, whereas the by-law permits a minimum side yard setback of 6 feet for a two-storey building;
- e) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum side yard setback of 5 feet for the south side yard, whereas the by-law requires a side yard setback of 6 feet for a two-storey building;
- f) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum lot coverage of 36.67 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent; and
- g) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum height of 27 feet and 11 inches, whereas the by-law permits a maximum height of 25 feet;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Carol Jin, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Raluca Koenneker, a neighbour, did not consider the modern design to be compatible with the streetscape and was concerned about possible flooding resulting from the hard landscaping in the front of the house.

Member Sampson indicated that the proposed house was larger than others on the street and had considerable open-to-below space.

Member Reingold complimented the design, indicating that modern homes were suitable for the neighbourhood as long as they did not dominate the street by size, height, or mass. As currently proposed, the house did not relate to other homes in the area.

Member Yan noted the applicant was requesting multiple variances, all of which contributed to the size and massing of the home. The proposed house was overly large for the size of the lot.

Carol Jin requested a deferral.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund

Seconded by: Patrick Sampson

THAT Application No. **A/165/23** be **deferred** sine die.

Resolution Carried

Chair Gregory Knight left the meeting for technical reasons. Member Gutfreund took over the Chair.

3. A/192/23

Owner Name: Michael Khalil

Agent Name: Acadia Design Consultants (Karen Melocotones)

47 Elgin Street, Thornhill

PLAN 8 PT LOT 5 RS65R9136 PART 4 RS65R15441 PART 3

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

a) By-law 2237, Section 6.1:

a minimum front yard setback of 23.85 feet, whereas the by-law requires a minimum front yard setback of 27 feet; and

b) By-law 101-90, Section 1.1 (iv):

a maximum building depth of 34 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

as it related to an addition to a two-storey residential dwelling.

The Chair introduced the application.

The agent, Max Mechasin, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Joan Honsberger, representative of the Ward 1 Residents Association, spoke to the Committee, expressing concerns regarding the trees, possible bird strikes with the increased window areas and the parking of construction vehicles.

Acting Chair Gutfreund agreed with the staff report, indicating it would be a suitable addition to the property, and the application met the four tests of the *Planning Act*.

Member Yan supported the application, indicating it was a good example of infill development, indicating the changes were minor on the large lot and the application.

Greg Whitfield clarified that with the pergola's removal in the property's rear, conditions 3, 4 and 5 were no longer required.

Member Yan made an amended motion for approval with conditions 1 and 2 of the staff report.

Moved by: Sally Yan

Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/192/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

The Chair Gregory Knight re-entered the meeting.

4. A/204/23

Owner Name: Leah Glassman and Jason Li

Agent Name: Gregory Design Group (Shane Gregory)

**20 Marlow Crescent, Markham
PLAN 65M2057 LOT 64R**

The applicant was requesting relief from the requirements of By-law 184-78, as amended, to permit:

- a) **By-law 184-78, Section 7.2 (b):**
a minimum rear yard setback of 6.74 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

as it related to a two-storey rear addition to an existing two-storey dwelling.

The Chair introduced the application.

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

The Committee received two written pieces of correspondence.

Member Gutfreund agreed with the staff report, indicated the application met the four tests of the *Planning Act*, and motioned for approval with conditions.

**Moved by: Tom Gutfreund
Seconded by: Sally Yan**

The Committee unanimously approved the application.

THAT Application No. **A/204/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/197/23

**Owner Name: Michelle Liang
Agent Name: Scoler Lee Borenstein Assoc. Arch. (Jason Lau)
135 Staglin Court, Markham
PLAN 65M4252 BLK 82 RP 65R33027 PT 1**

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

- a) **By-law 177-96, Section 6.4:**
an accessory building with a gross floor area of 31.24 square metres, whereas the by-law permits a maximum gross floor area of 10 square metres for an accessory building; and

as it related to a proposed accessory building and an existing storage shed.

The Chair introduced the application.

The agent, Allan Borenstein, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Gutfreund requested information regarding drainage and grading.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/197/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. B/040/23

Owner Name: Gen Quan Lin

Agent Name: Archizoning Design Inc. (Lei Zhang)

25 Springdale Avenue, Markham

CON 7 PT LOT 14

The applicant was requesting provisional consent to:

- a) retain a parcel of land** with an approximate lot frontage of 15.24 metres and an approximate lot area of 689.01 square metres (Part 1);
- b) sever and convey a parcel of land** with an approximate lot frontage of 15.24 metres and an approximate lot area of 689.01 square metres (Part 2).

The purpose of this application was to create one new residential lot. This application was related to a previously approved Zoning By-law Amendment.

The Chair introduced the application.

The agent, Lei Zhang, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Member Gutfreund agreed with the staff report, noting the properties had been rezoned and the lots exceeded the bylaw requirements.

Member Sampson questioned if variances would be required to build the proposed dwellings. The applicant indicated that the homes would not require variances.

Member Sampson agreed that the lots were appropriate and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/040/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. A/209/23

Owner Name: Eric Hoh
Agent Name: Donya Abasiliasi
38 Autumn Glow Drive, Markham
PLAN 65M4014 LOT 106

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

a) By-law 177-96, Section 7.192.1(b)(iii):

a rear yard setback of 0.64 metres, whereas the by-law requires a minimum rear yard setback of 5.8 metres;

as it related to two covered patios in the rear yard.

The Chair introduced the application.

The agent, Donya Abasiliasi, appeared on behalf of the application.

Member Gutfreund indicated that the proposal was not minor and reconsideration should be given to an alternative solution to meet the homeowner's needs.

Member Yan indicated it did not meet the four tests of the *Planning Act*.

Member Sampson asked for clarification if the canopies had been built. The agent clarified that the owner wanted to obtain permits before construction.

The Chair noted that the area had many homes that had been constructed with walkways attaching the rear garage to the home, and this granted the proposal some consistency to the surrounding area; these homes, however, were zoned differently.

Member Reingold did not support the application.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Sally Yan
Opposed Jeamie Reingold

THAT Application No. **A/209/23** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:20 PM, and the next regular meeting would be held on February 7, 2024.

CARRIED

Original Signed on
February 07, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed on
February 07, 2024
Chair
Committee of Adjustment

Appendix F

File: 23.146920.000.00.MNV

Date: 4/2/2024
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment

January 11, 2024

File: A/198/23
Address: 37 John Lyons Road, Markham
Applicant: Tim Choy
Agent: MA Development Services (Mathew Laing)
Hearing Date: Wednesday, January 17, 2024

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

The applicant is requesting relief from the “Residential, One-Family Detached Dwellings (R1)” zone requirements under By-law 1229, R1 as amended, as it relates to a proposed two-storey residential dwelling. The variance requests are to permit:

- a) **By-law 1229, Section 11.2(c)(i):**
a side porch encroachment of 30 in (0.76 m), whereas the by-law permits a maximum encroachment of 18 in (0.45 m);
- b) **By-law 1229, Section 11.2(c)(i):**
a front yard encroachment of 43.68 in (1.10 m), whereas the by-law permits a maximum of 18 in (0.45 m);
- c) **By-law 99-90, Section 1.2(iii):**
a maximum building depth of 18.75 m (61.51 ft), whereas the by-law permits a maximum building depth of 16.8 m (55.11 ft); and
- d) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.04 percent (328.75 m²), whereas the by-law permits a maximum floor area ratio of 45 percent (300.01 m²).

BACKGROUND

Property Description

The 939.80 m² (10,115.99 ft²) vacant lot (the “Subject Lands”) is located on the end of John Lyons Road, south of Highway 7 East and east of Main Street Markham South (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property. The rear portion of the Subject Lands is oriented towards Rouge Valley Park and are partially located within TRCA’s Regulated Area.

Proposal

The applicant is proposing to construct a new two-storey residential dwelling with a gross floor area of 380.62 m² (4,096.96 ft²) as shown in Appendix “B”.

Official Plan and Zoning

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

The Subject Lands are designated “Residential Low Rise”, which permits 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. The purpose of this development criteria is 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, the width of proposed garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The Subject Lands are zoned R1- Residential under By-law 1229, as amended, which permits One-Family Detached Dwellings. The proposed development does not comply with the by-law requirements with respect to the side porch encroachment and front yard encroachment.

Residential Infill Zoning By-law 99-90

The Subject Lands are 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, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to building depth and floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the requested variances required for the proposed development on October 31, 2023. The applicant submitted revised drawings on December 21, 2023. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

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

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

Increase in Maximum Side Yard Encroachment

The applicant is requesting relief to permit a maximum side yard encroachment of 30 in (0.76 m), whereas the by-law permits a maximum side yard encroachment of 18 in (0.45 m). The variance pertains to the exterior side entrance steps of the garage of the proposed dwelling. Approximately 7.5ft (2.29 m) of the side yard setback remains from the lot line.

Staff are of the opinion that the requested maximum side yard encroachment variance will have minimal impact and there is adequate distance to the property line.

Increase in Maximum Front Yard Encroachment

The applicant is requesting relief to permit a front yard encroachment of 43.68 in (1.10 m), whereas the by-law permits a maximum front yard encroachment of 18 in (0.45 m). The variance pertains to the front entrance steps of the proposed development. Staff are of the opinion that the requested variance is minor in nature and will have minimal impact on the streetscape, and therefore have no concern with the requested variance.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.75 m (61.51 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 1.95 m (6.39 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line: one passing through the point on the dwelling nearest to the front lot line, and the other passing through the point on the dwelling farthest from the front lot line. Due to the configuration of the lot, building depth is measured on an angle through the proposed building. Given the irregular lot configuration and that the lot backs onto the Rouge Valley Park there is minimal impact. Staff are of the opinion that the requested variance is minor in nature.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 49.04 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 328.75 m² (3,538.62 ft²), whereas the By-law permits a dwelling with a maximum floor area of 300.01 m² (3,229.34 ft²). This represents an increase of approximately 28.74 m² (309.35 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. The building layout meets most other zoning provisions that establish the prescribed building envelope, which ensures the proposed development will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff are of the opinion that the proposed maximum floor area ratio is compatible with development on the street, have no concern with the requested variance.

Tree Preservation Comments:

Staff recommend that the tree related conditions, as outlined in Appendix "D", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers for trees surrounding the proposed development and provides compensation to the City, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees with a trunk diameter of 20 centimetres (approximately 8 inches) on the Subject Lands or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

EXTERNAL AGENCIES

TRCA Comments

The Subject Lands are located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. TRCA provided comments and conditions on December 6, 2023 (Appendix C), indicating that they have no concerns subject to conditions outlined in their letter.

PUBLIC INPUT SUMMARY

As of January 11, 2024 the City received 10 letters of support for the proposed development. 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 zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "D" for conditions to be attached to any approval of this application.

PREPARED BY:



Trisha Sridharan, Development Technician, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – TRCA Comments & Conditions

Appendix "D" – A/198/23 Conditions of Approval



Legend

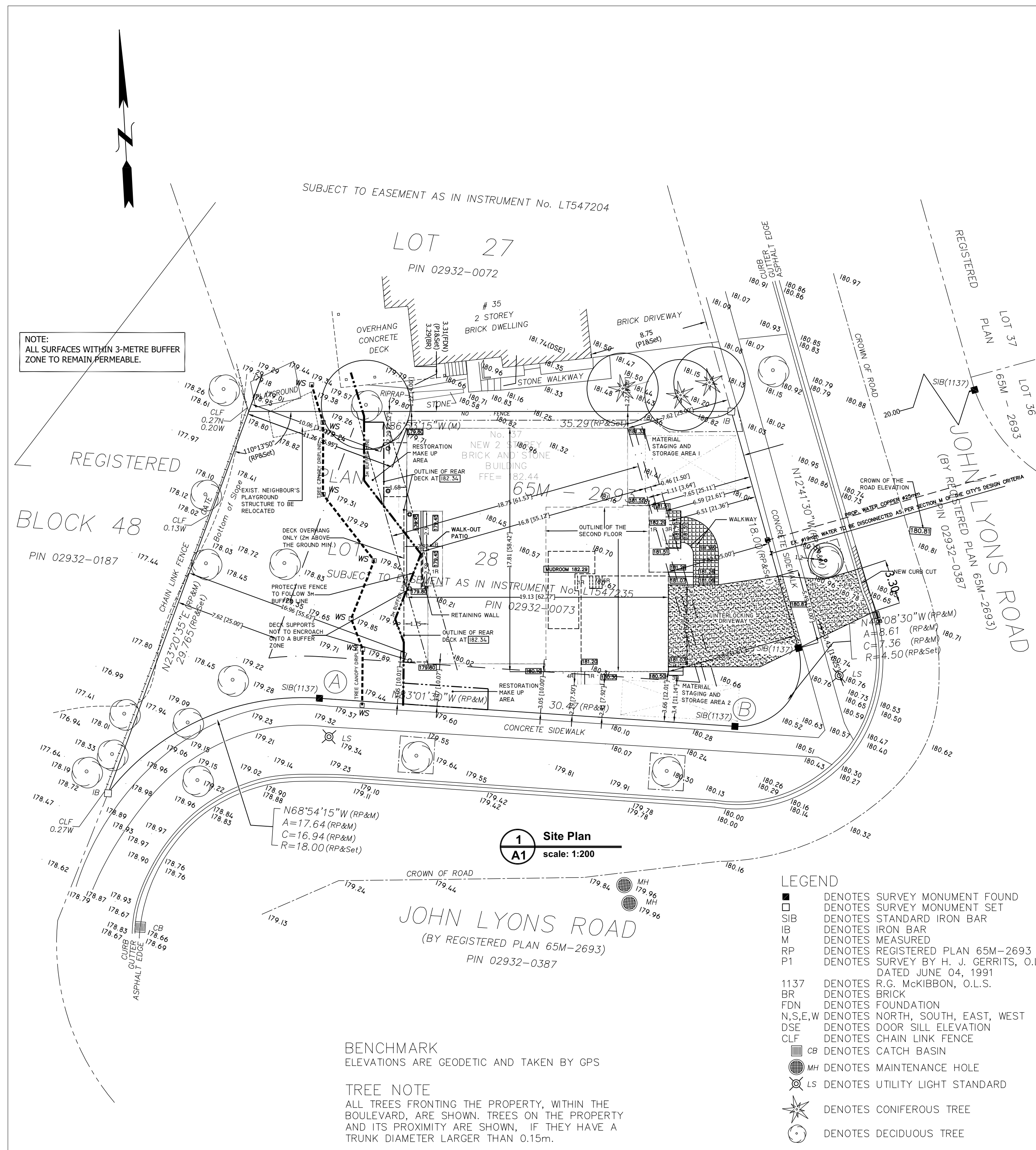
Subject Lands

1: 1,128



Notes

57.3 0 28.65 57.3 Meters



COPYRIGHT © IBW SURVEYORS LTD. 2022
 SURVEYOR'S REAL PROPERTY REPORT
 PART 1: PLAN OF SURVEY OF
 LOT 28,
 REGISTERED PLAN 65M-2693
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 250 METRES

PART 2: REPORT
 DESCRIPTION:
 PIN 02932-0073. PCL 28-1 SEC 65M2693; LT 28 PL 65M2693;
 S/T LT547235E
 MUNICIPAL ZONING:
 THIS SURVEY DOES NOT CERTIFY ZONING COMPLIANCE.
 REGISTERED EASEMENTS:
 SUBJECT TO EASEMENT AS IN INSTRUMENT No. LT547235

ADDITIONAL COMMENTS:
 FENCE AS SHOWN
 NOTE THE POSITION OF THE PLAYGROUND AT THE NORTH SIDE OF THE PROPERTY
 CURRENT OWNER: CAROL AND KENNETH WILDGOOSE
 PREPARED FOR: 2652076 Ontario Ltd.

CAUTION
 THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

DISTANCE NOTES - METRIC
 DISTANCES AND COORDINATES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999821.

BEARING NOTES
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83(CSRS)(2010).
 FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
 P1,RP - 1'03'50" COUNTER-CLOCKWISE

INTEGRATION DATA
 OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (87° WEST LONGITUDE) NAD83(CSRS)(2010).

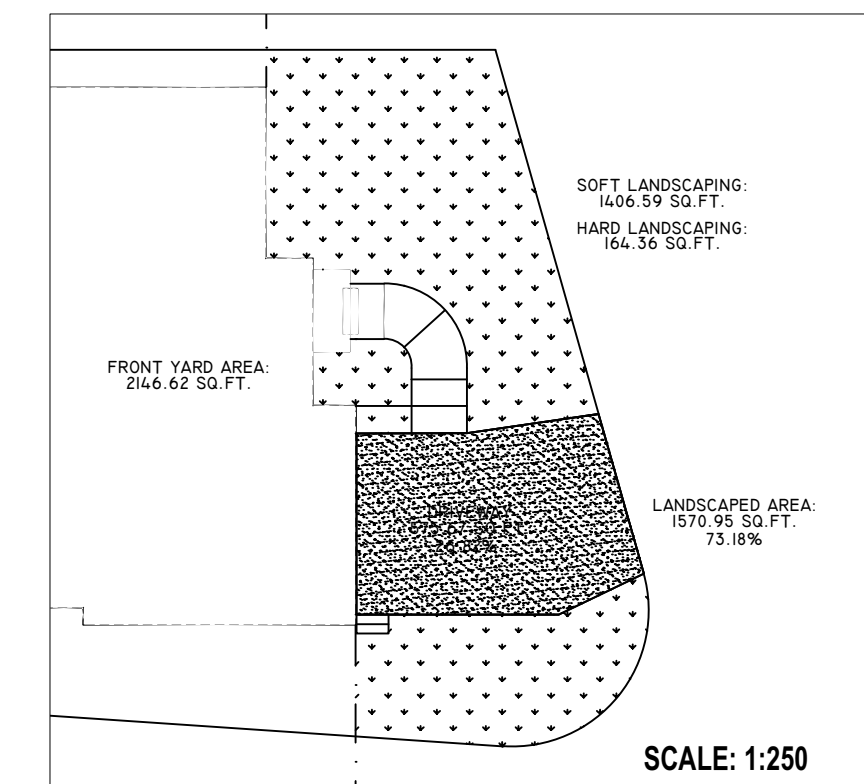
URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.

POINT ID	NORTHING	EASTING
A	4859451.83	640785.03
B	4859448.14	640815.25

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

ERTL-HUNT SURVEYORS
 A division of IBW Surveyors Ltd.
 IBWSURVEYORS.COM | 1.800.667.0696

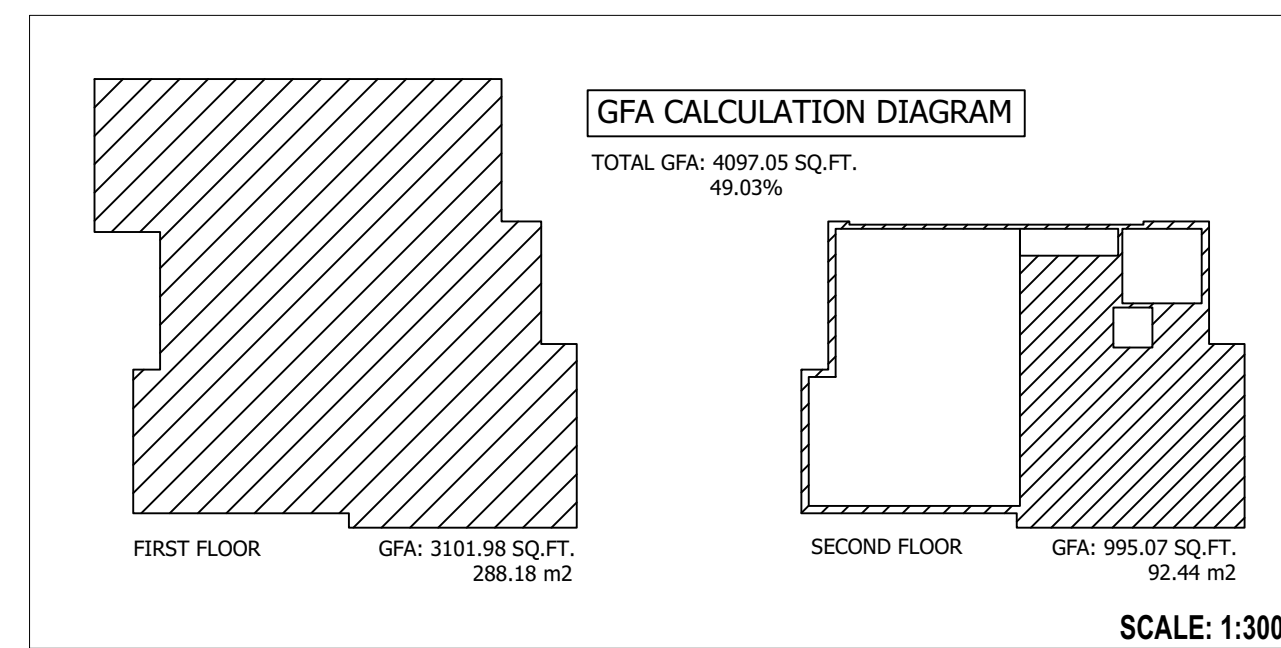
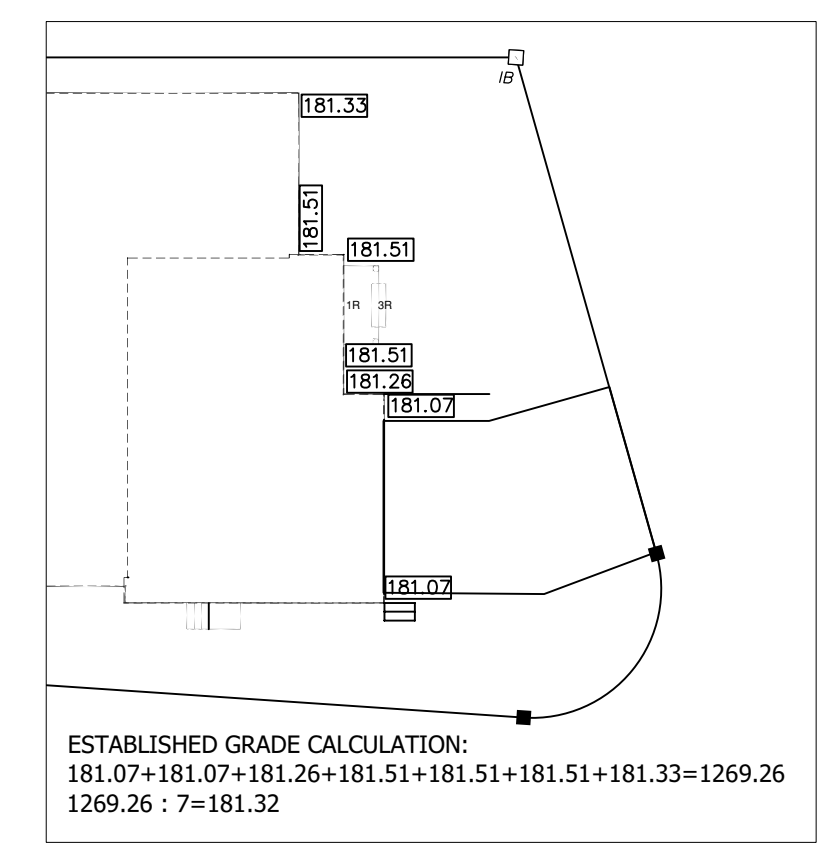
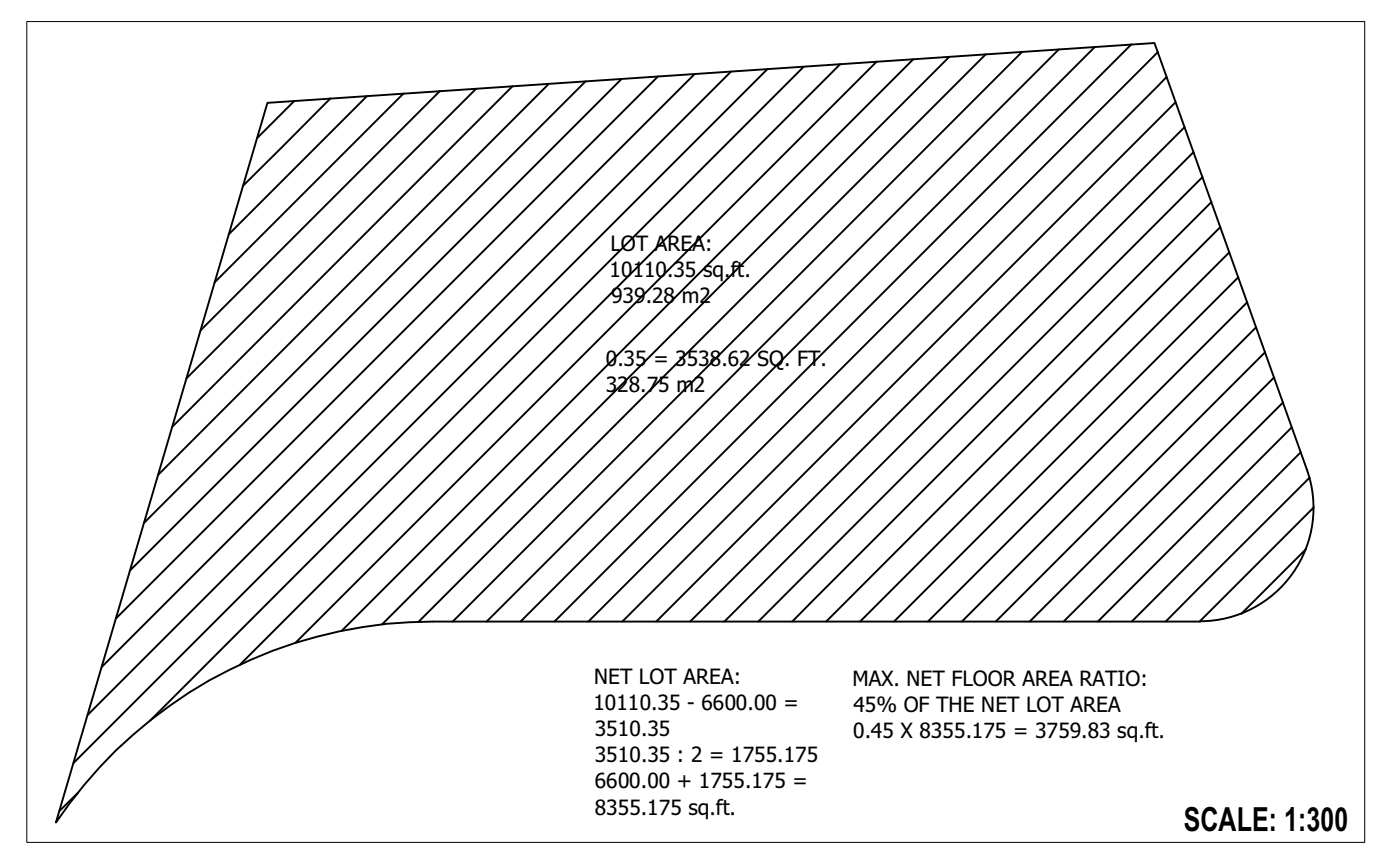
PARTY CHIEF: JA DRAWN BY: DH CHECKED BY: CL PLOT DATE: *
 FILE NAME: JOHN LYONS_201223 copies available at LandSurveyRecords.com



SITE DEVELOPMENT FOR LOT 46, REGISTERED PLAN 4598, ZONING RD (R-4)

SITE DATA	REQUIRED / ALLOWED	PROPOSED
LOT AREA	10110.35 SQ.FT. (939.28 m ²) - EXISTING	
NET LOT AREA	10110.35 - 6600.00 = 3510.35 3510.35 : 2 = 1755.175 6600.00 + 1755.175 = 8355.175 sq.ft.	
LOT COVERAGE	3538.62 SQ.FT. (328.75 m ²) 35% OF LOT AREA ALLOWED	3229.34 SQ.FT. (300.01 m ²) 31.94% OF LOT AREA (INCLUDES COVERED FRONT PORCH AND COVERED REAR BALCONY)
MIN. LOT FRONTAGE	60.00'	74.62' (EXISTING)
NET FLOOR AREA RATIO	MAX. NET FLOOR AREA RATIO: 45% OF THE NET LOT AREA 0.45 X 8355.175 = 3759.83 sq.ft.	4097.05 SQ.FT. (380.62 m ²) 49.04% OF NET LOT AREA
FRONT YARD SETBACK	25.00'	25.00' (PROPOSED)
SIDE YARD SETBACK	6.0' FOR 2 STOREY BLDG. AND 4.0' 1 STOREY HIGH BLDG. 10.0' EXTERIOR SIDE YARD	4.0' NORTH SIDE YARD 10.0' SOUTH SIDE YARD
REAR YARD SETBACK	25.00'	36.95' (PROPOSED)
BUILDING DEPTH	16.8 m (55.12')	18.75 m (61.53')
BUILDING HEIGHT	9.8 m (32.15')	9.8 m (32.15')

	AREA	ELEVATION
REAR DECK	32.29 m ² 3.44% OF LOT AREA	182.34



General Notes

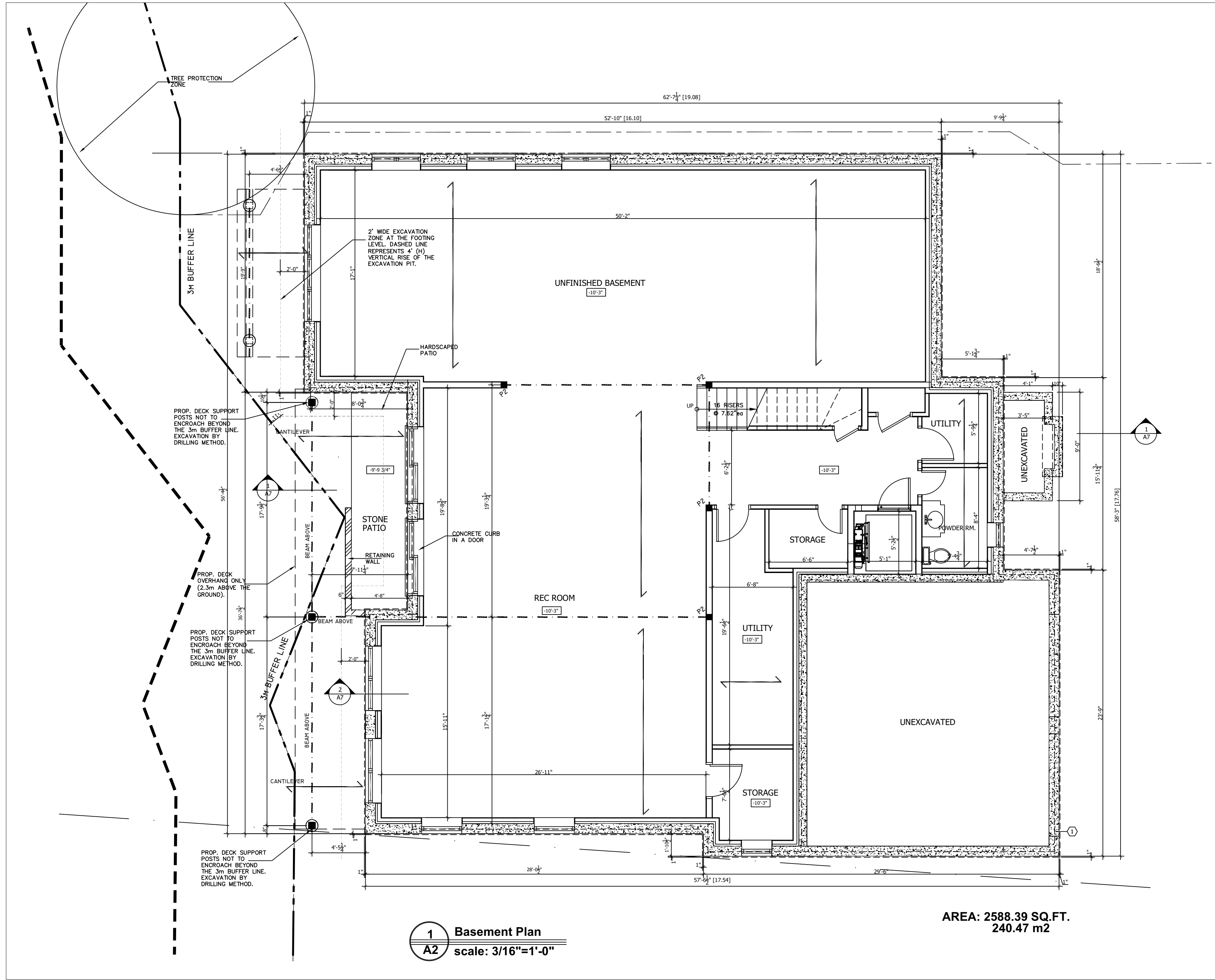
- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT.17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG.15 2022

DRAFTING SERVICES BY:
 AGATA OSYPIUK
 2239 COURRIER LANE
 MISSISSAUGA, ONTARIO, L5C 1V1
 PHONE: 416 456 6716

Project Name and Address
Private Residence
 37 JOHN LYONS ROAD
 Markham, Ontario

Project	SITE PLAN & SITE DATA	Sheet
Date	Aug. 15, 2022	A1.0
Scale	1:200	



1 Basement Plan
A2 scale: 3/16"=1'-0"

AREA: 2588.39 SQ.FT.
 240.47 m²

General Notes

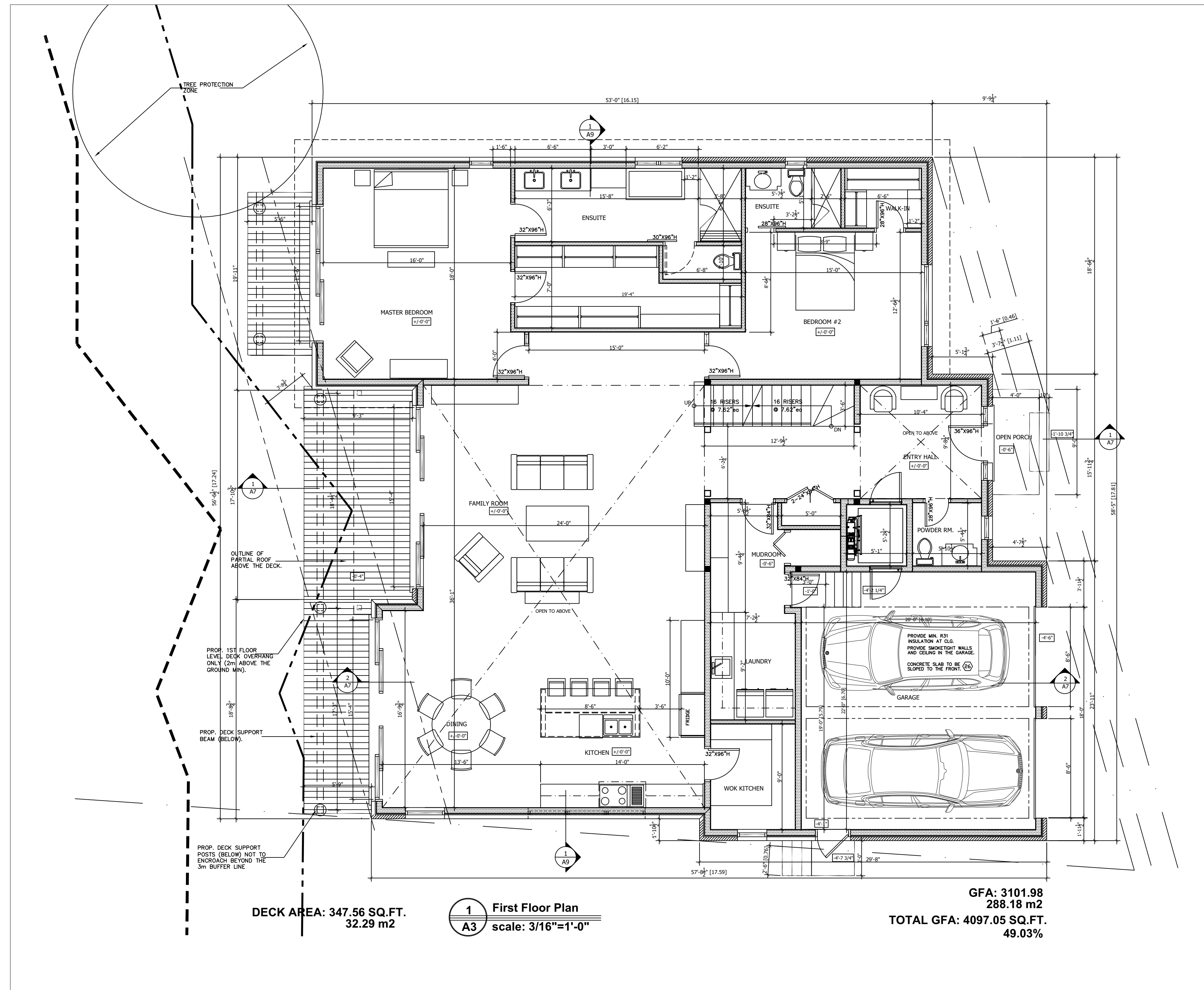
- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
4	ZONING PRELIMINARY REVIEW REVISION	OCT.17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG.15 2022

DRAFTING SERVICES BY:
 AGATA OSYPIUK
 2239 COURRIER LANE
 MISSISSAUGA, ONTARIO, L5C 1V1
 PHONE: 416 456 6716

Project Name and Address
Private Residence
 37 JOHN LYONS ROAD
 Markham, Ontario

Project	1ST FLOOR PLAN	Sheet	A1.1
Date	Aug. 15, 2022		
Scale	3/16"=1'-0"		



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
5	REVISION	DEC. 20 2023
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

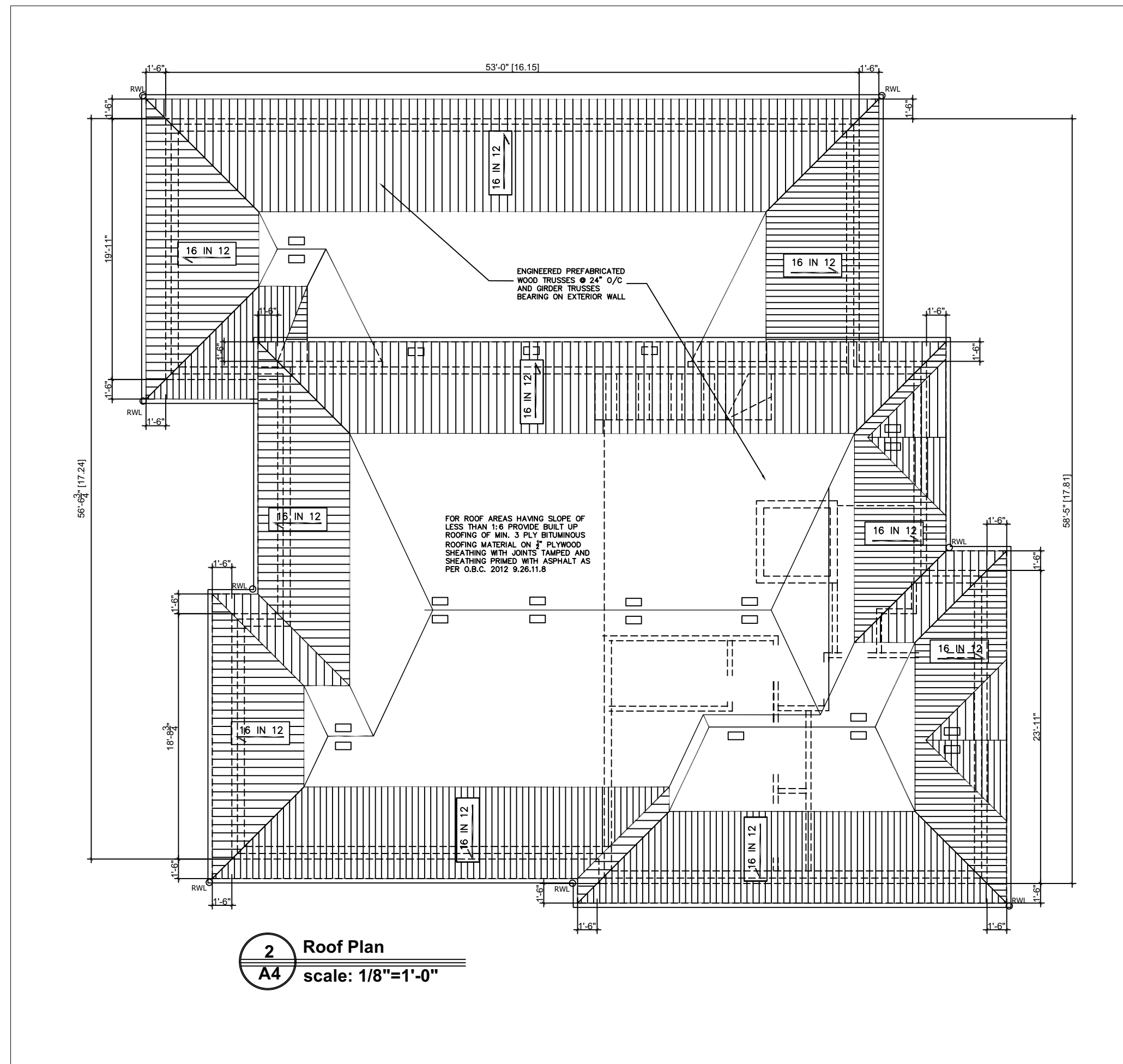
DRAFTING SERVICES BY:

AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

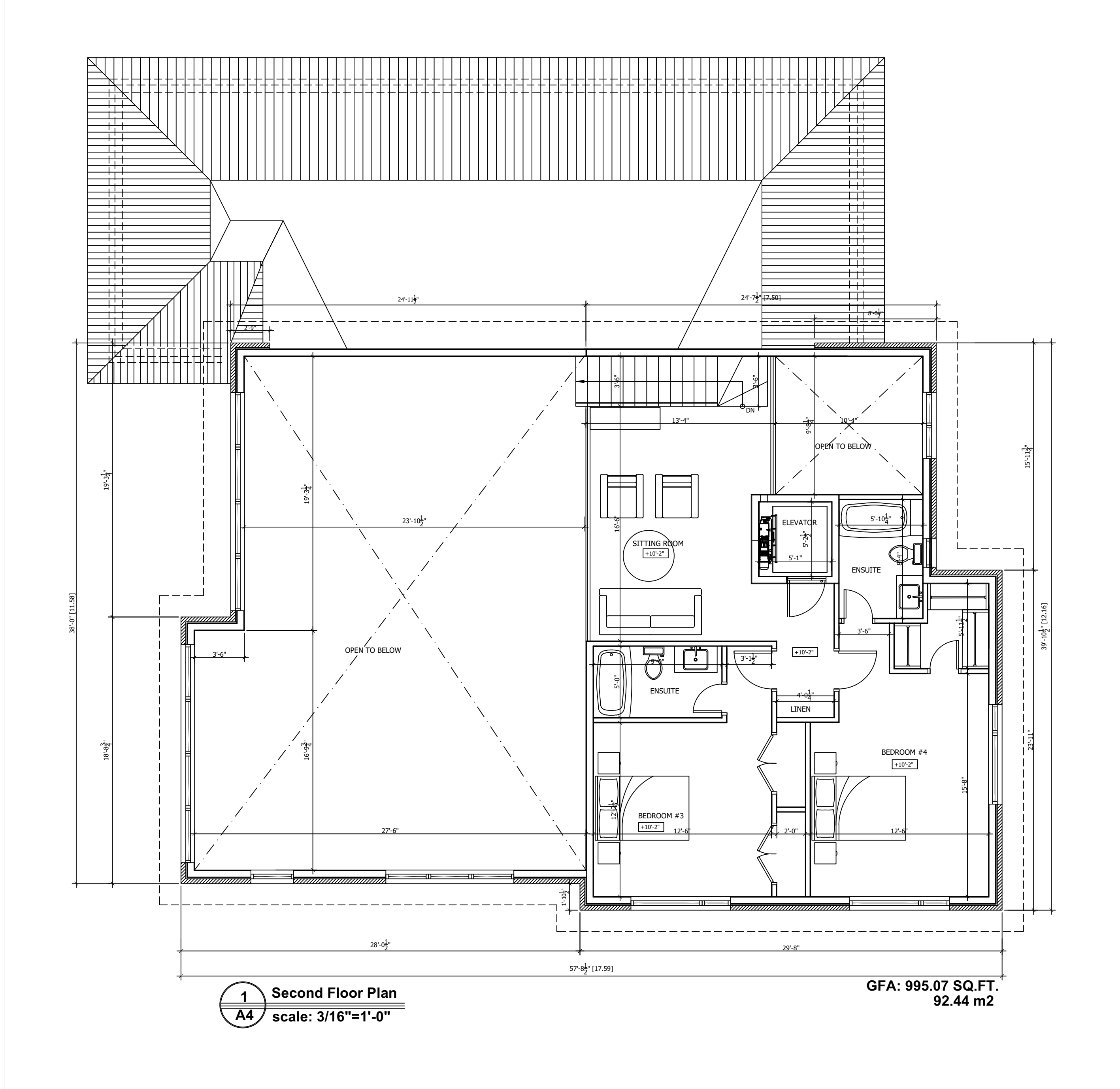
Project Name and Address

Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

Project 1ST FLOOR PLAN	Sheet A1.2
Date Aug. 15, 2022	
Scale 3/16"=1'-0"	



2 Roof Plan
A4 scale: 1/8"=1'-0"



1 Second Floor Plan
A4 scale: 3/16"=1'-0"

General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

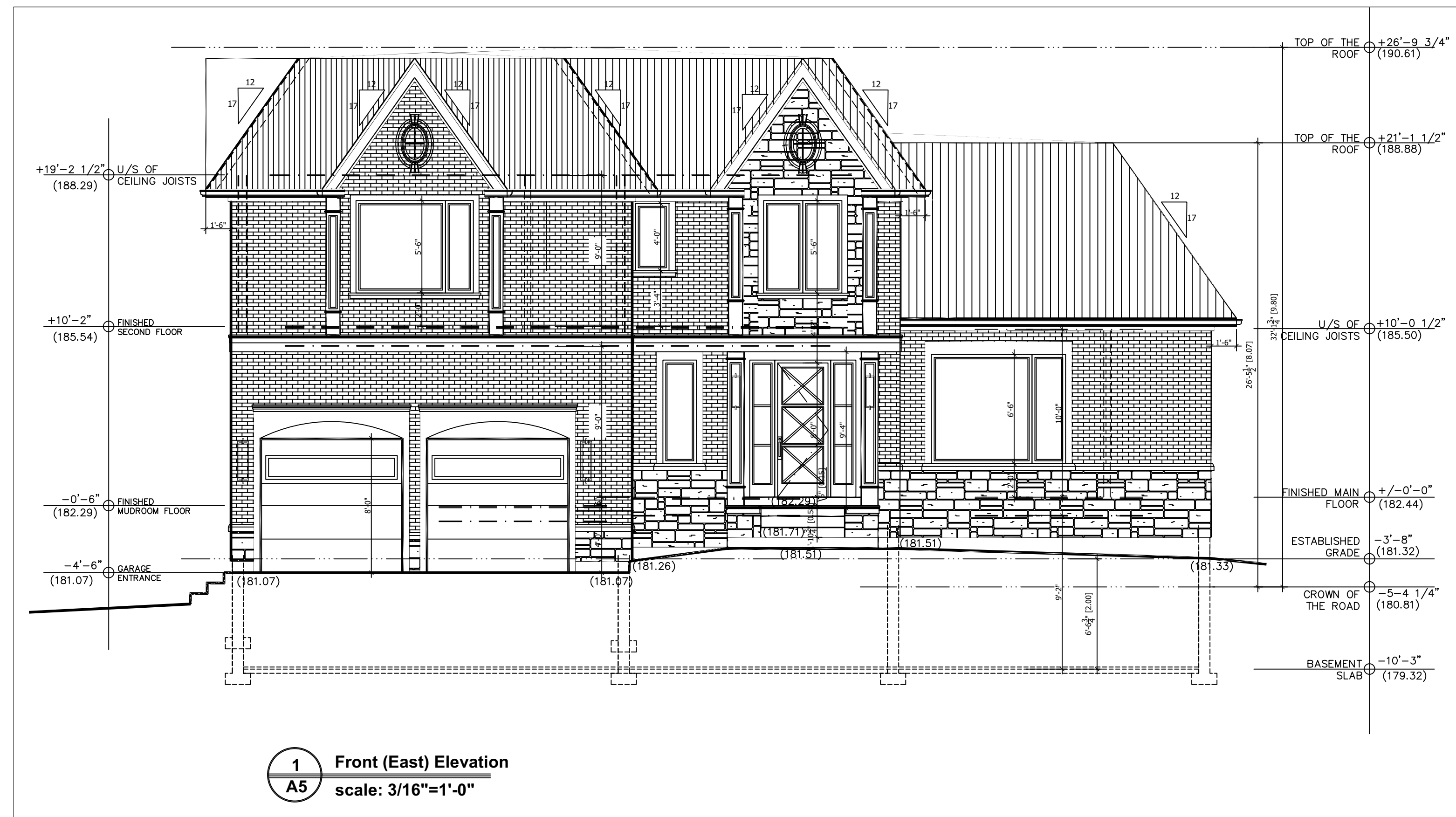
DRAFTING SERVICES BY:

 AGATA OSYPIUK
 2239 COURRIER LANE
 MISSISSAUGA, ONTARIO, L5C 1V1
 PHONE: 416 456 6716

Project Name and Address

Private Residence
 37 JOHN LYONS ROAD
 Markham, Ontario

Project 2ND FLOOR PLAN	Sheet A1.3
Date Aug. 15, 2022	
Scale 3/16"=1'-0"	



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

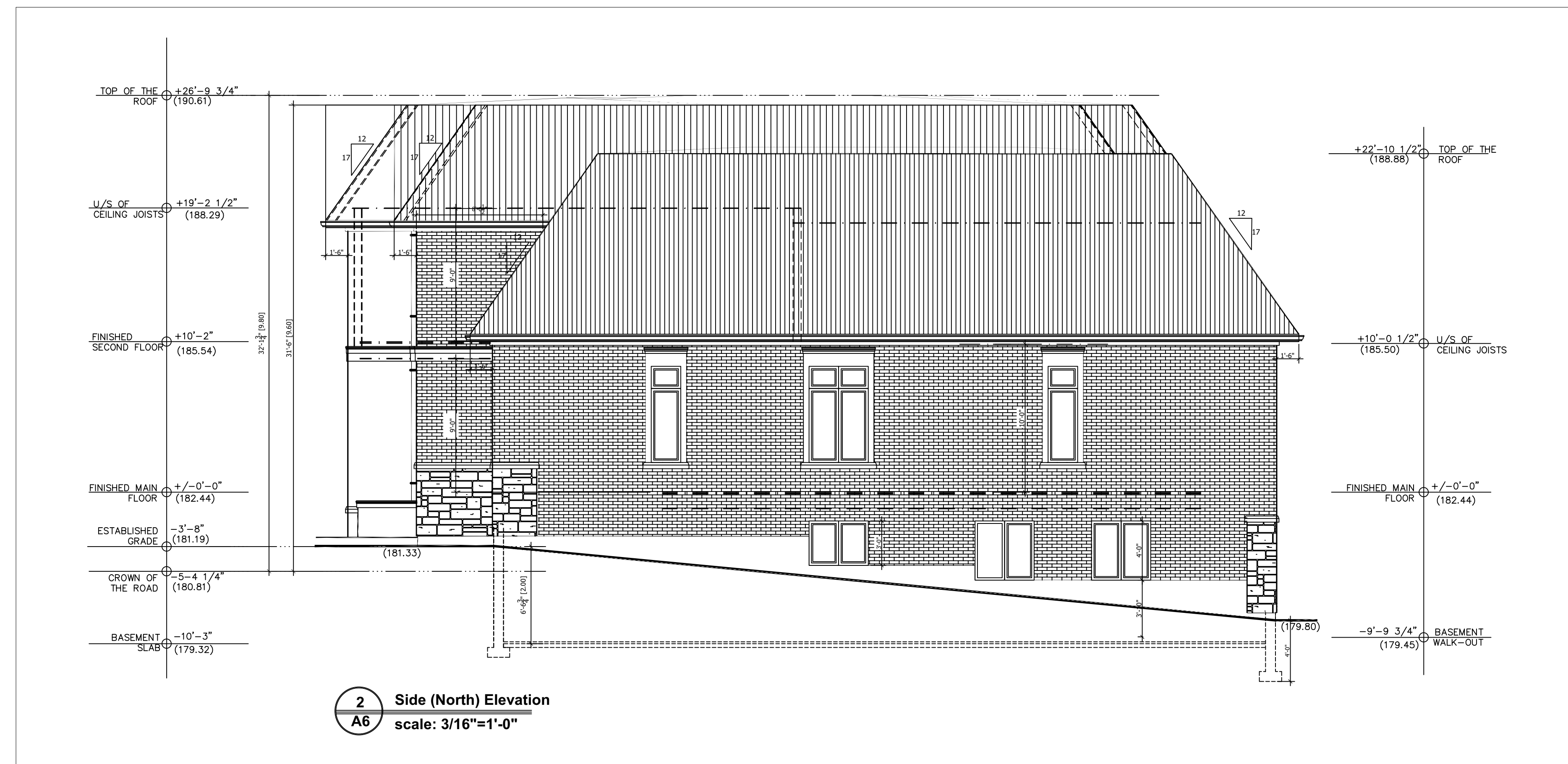
DRAFTING SERVICES BY:

AGATA OSYPIUK
 2239 COURRIER LANE
 MISSISSAUGA, ONTARIO, L5C 1V1
 PHONE: 416 456 6716

Project Name and Address

Private Residence
 37 JOHN LYONS ROAD
 Markham, Ontario

Project	ELEVATIONS	Sheet
Date	Aug. 15, 2022	A2.1
Scale	3/16"=1'-0"	



General Notes

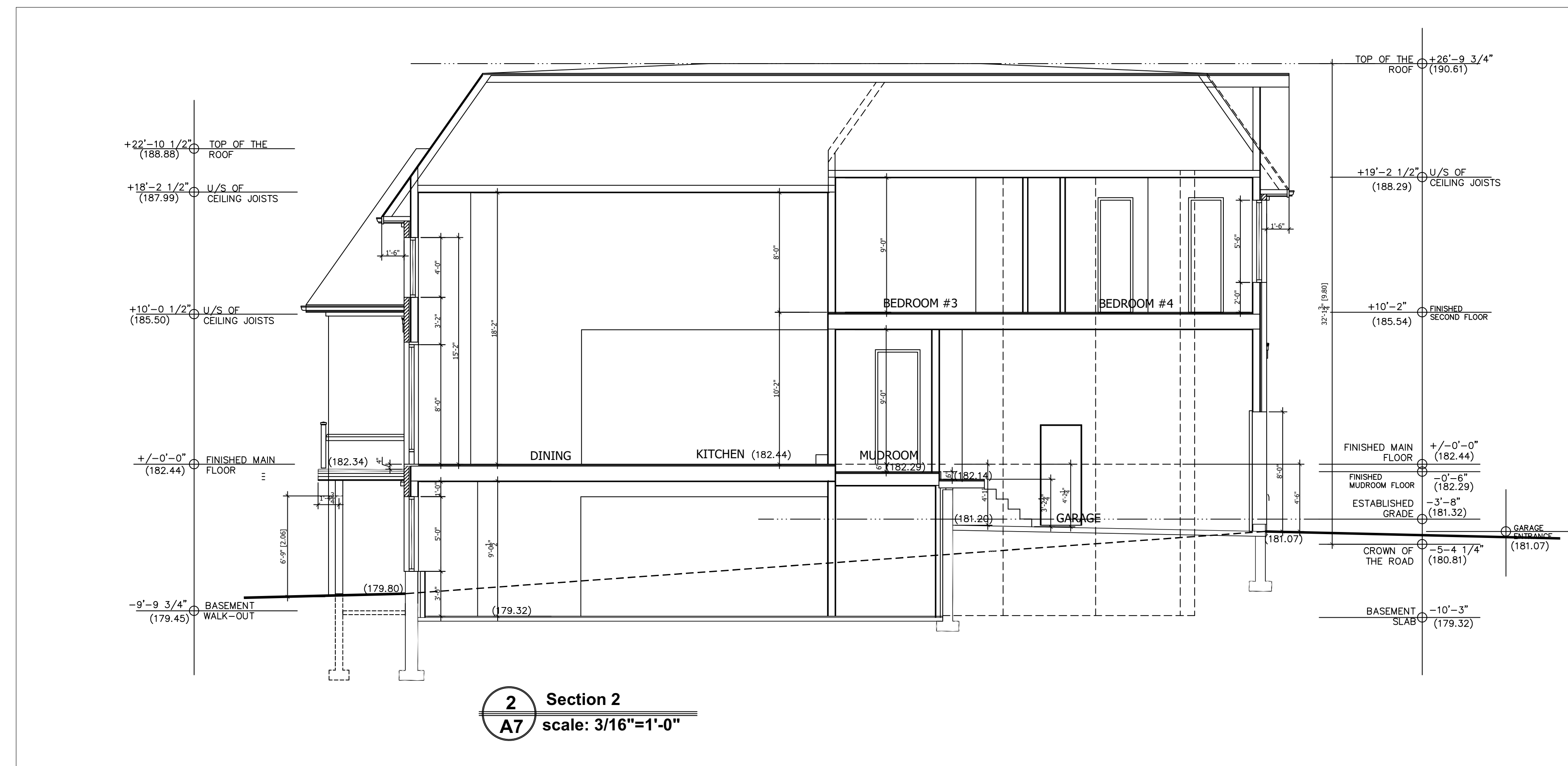
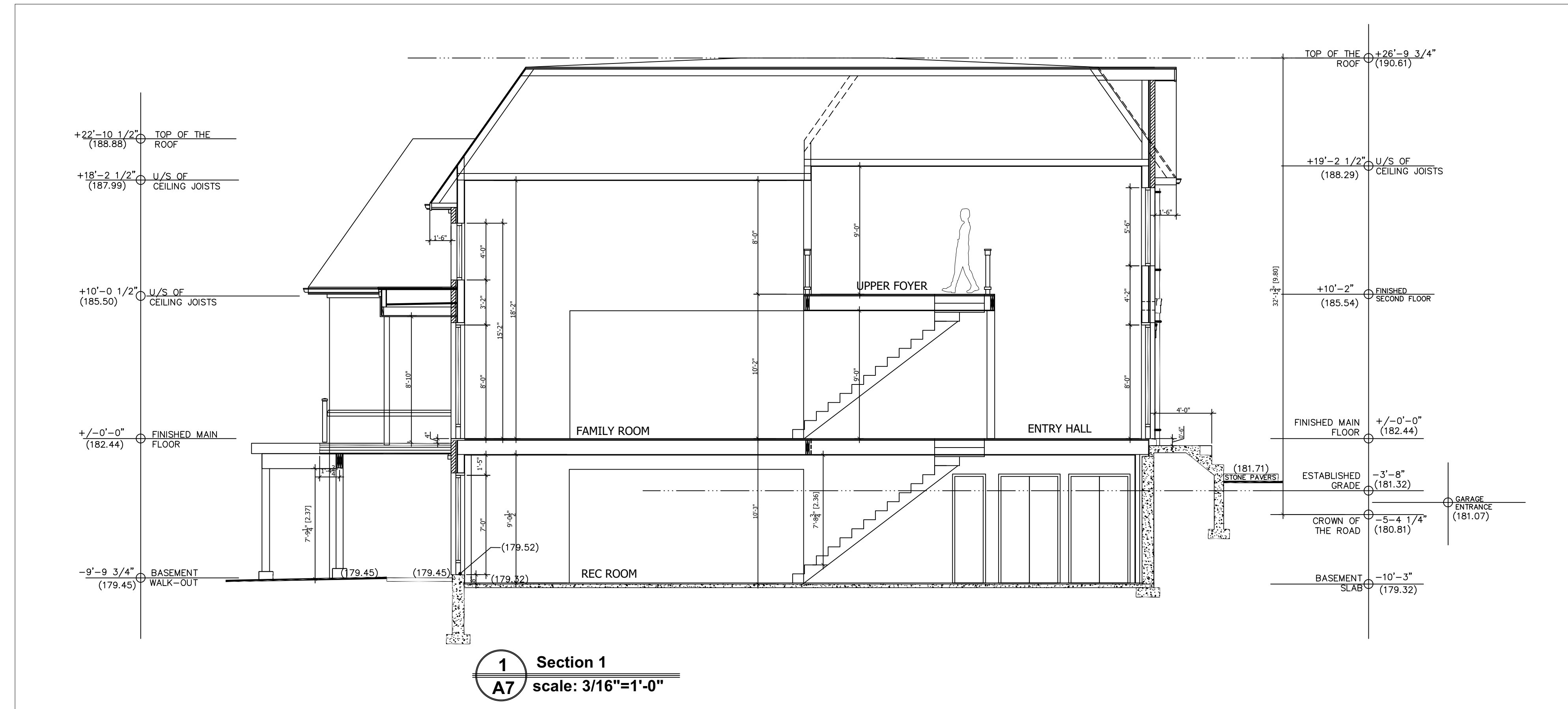
- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:
AGATA OSYPIUK
2239 COURRIER LANE
MISSISSAUGA, ONTARIO, L5C 1V1
PHONE: 416 456 6716

Project Name and Address
Private Residence
37 JOHN LYONS ROAD
Markham, Ontario

Project	ELEVATIONS	Sheet
Date	Aug. 15, 2022	A2.2
Scale	3/16"=1'-0"	



General Notes

- This drawing is the property of the Owner. It is not to be reproduced without permission.
- Drawings must not be scaled. Contractor to verify all dimensions by site measure prior to fabrication and report all discrepancies to the designer.

No.	Revision/Issue	Date
4	ZONING PRELIMINARY REVIEW REVISION	OCT. 17 2023
3	ZONING PRELIMINARY REVIEW	JUNE 25 2023
2	TRCA CONCEPT DEVELOPMENT APPLICATION REVISION	MAY 21 2023
1	TRCA CONCEPT DEVELOPMENT APPLICATION	AUG. 15 2022

DRAFTING SERVICES BY:

AGATA OSYPIUK
 2239 COURRIER LANE
 MISSISSAUGA, ONTARIO, L5C 1V1
 PHONE: 416 456 6716

Project Name and Address

Private Residence
 37 JOHN LYONS ROAD
 Markham, Ontario

Project	SECTIONS	Sheet
Date	Aug. 15, 2022	A3.1
Scale	3/16"=1'-0"	

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2187781

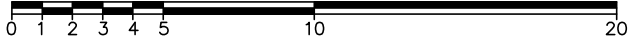
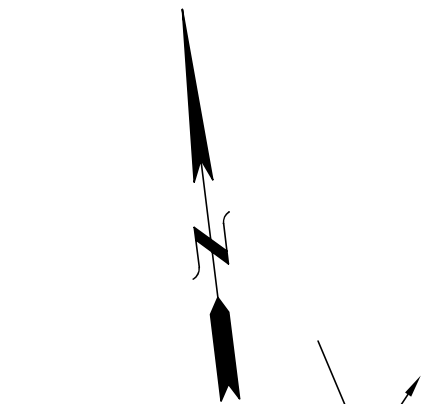


THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).

COPYRIGHT © IBW SURVEYORS LTD. 2022
SURVEYOR'S REAL PROPERTY
PART 1: PLAN OF SURVEY OF
LOT 28,
REGISTERED
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

Appendix B
File: 23.146920.000.00.MNV
Date: 01/11/24
MM/DD/YY

SCALE 1 : 250 METRES

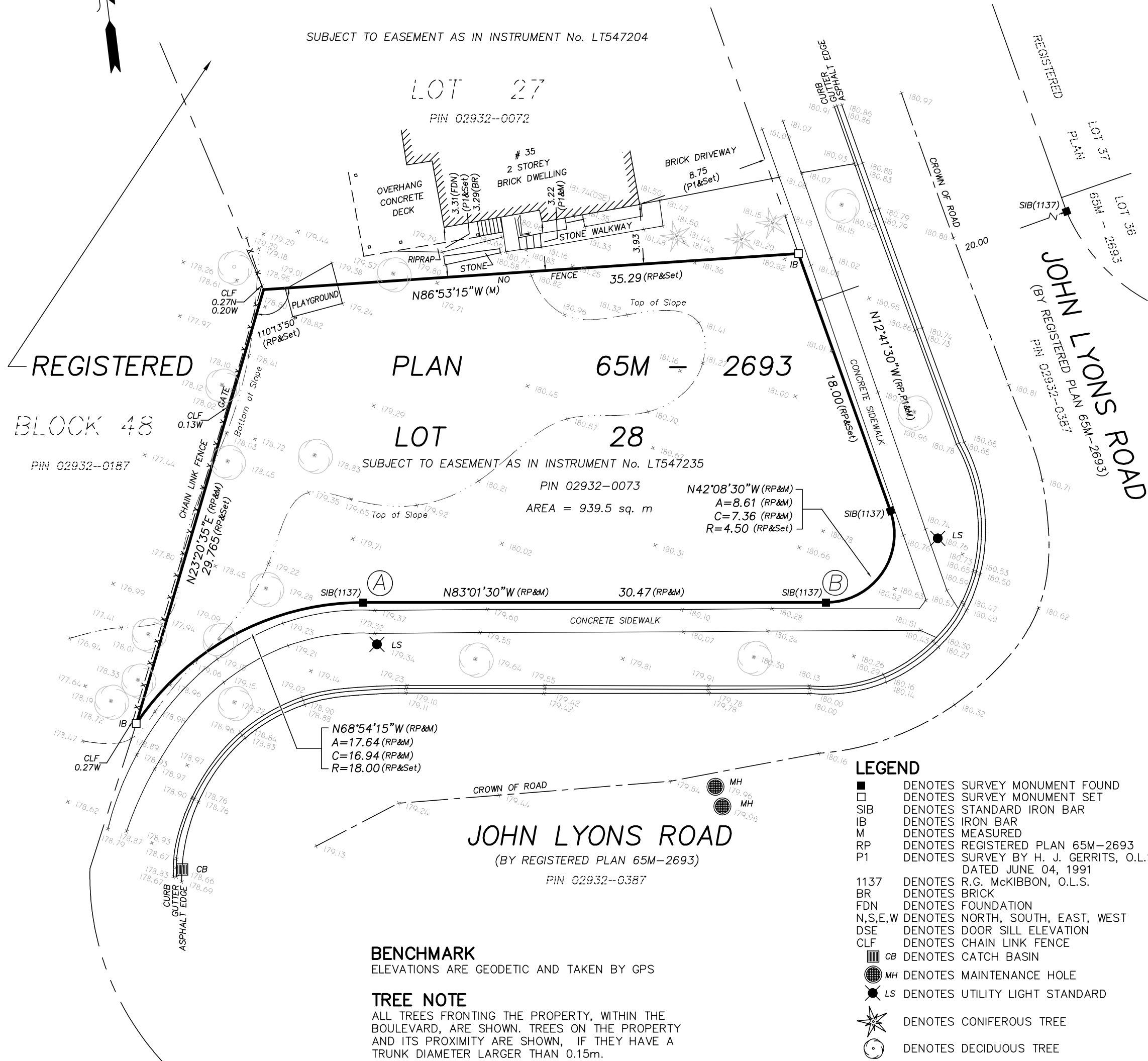
SUBJECT TO EASEMENT AS IN INSTRUMENT No. LT547204

LOT 27
PIN 02932-0072

REGISTERED
BLOCK 48
PIN 02932-0187

PLAN 65M - 2693
LOT 28
SUBJECT TO EASEMENT AS IN INSTRUMENT No. LT547235
PIN 02932-0073
AREA = 939.5 sq. m

JOHN LYONS ROAD
(BY REGISTERED PLAN 65M-2693)
PIN 02932-0387



BENCHMARK
ELEVATIONS ARE GEODETIC AND TAKEN BY GPS

TREE NOTE
ALL TREES FRONTING THE PROPERTY, WITHIN THE BOULEVARD, ARE SHOWN. TREES ON THE PROPERTY AND ITS PROXIMITY ARE SHOWN, IF THEY HAVE A TRUNK DIAMETER LARGER THAN 0.15m.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - M DENOTES MEASURED
 - RP DENOTES REGISTERED PLAN 65M-2693
 - P1 DENOTES SURVEY BY H. J. GERRITS, O.L.S. DATED JUNE 04, 1991
 - 1137 DENOTES R.G. MCKIBBON, O.L.S.
 - BR DENOTES BRICK
 - FDN DENOTES FOUNDATION
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - DSE DENOTES DOOR SILL ELEVATION
 - CLF DENOTES CHAIN LINK FENCE
 - CB DENOTES CATCH BASIN
 - MH DENOTES MAINTENANCE HOLE
 - LS DENOTES UTILITY LIGHT STANDARD
 - ★ DENOTES CONIFEROUS TREE
 - DENOTES DECIDUOUS TREE

PART 2: REPORT
DESCRIPTION:
PIN 02932-0073. PCL 28-1 SEC 65M2693; LT 28 PL 65M2693; S/T LT547235E
MUNICIPAL ZONING:
THIS SURVEY DOES NOT CERTIFY ZONING COMPLIANCE.
REGISTERED EASEMENTS:
SUBJECT TO EASEMENT AS IN INSTRUMENT No. LT547235
ADDITIONAL COMMENTS:
FENCE AS SHOWN
NOTE THE POSITION OF THE PLAYGROUND AT THE NORTH SIDE OF THE PROPERTY
CURRENT OWNER: CAROL AND KENNETH WILDGOOSE
PREPARED FOR: **2652076 Ontario Ltd.**

CAUTION
THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

DISTANCE NOTES – METRIC
DISTANCES AND COORDINATES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999821.

BEARING NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83(CSRS)(2010).
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P1,RP – 1°03'50" COUNTER-CLOCKWISE


SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON MARCH 10TH, 2022.
May 2nd 2022 Lawrence O. Ertl
DATE LAWRENCE O. ERTL, O.L.S.

INTEGRATION DATA

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83(CSRS)(2010).
URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.

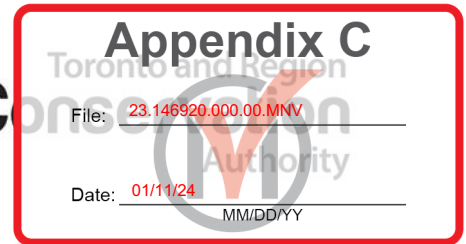
POINT ID	NORTHING	EASTING
A	4859451.83	640785.03
B	4859448.14	640815.25

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN



IBWSURVEYORS.COM | 1.800.667.0696

PARTY CHIEF: JA | DRAWN BY: DH | CHECKED BY: CL | PLOT DATE: *
FILE NAME: A-033126-SRPR_v2 | copies available at LandSurveyRecords.com



December 6, 2023

CFN 68438.19
Ex Ref: 66380.14

Via E-Plan

Dear Trisha Sridharan

**Re: Minor Variance Application – (Application No. A/198/23)
37 John Lyons Road
Lot 28, PLAN 65M2693, Markham
(Highway 7 and Wootten Way North)
Applicant: MA Development Services (Mathew Laing)
Owner: Tim Choy**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on November 22, 2023. We provide the following in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to request relief from the following requirements of By-law 2237, as amended, to facilitate the development of a two-storey residential dwelling:

- a) By-law 1229, Section 11.2(c)(i): a side porch encroachment of 30 inches, whereas the by-law permits a maximum encroachment of 18 inches;
- b) By-law 1229, Section 11.2(c)(i): a front yard encroachment of 43.68 inches, whereas the by-law permits a maximum of 18 inches;
- c) By-law 99-90, Section 1.2(iii): a depth of 18.75 metres, whereas the by-law permits a maximum depth of 16.8 metres; and
- d) By-law 99-90, Section 1.2(vi): a maximum floor area ratio of 49.04 percent, whereas the by-law permits a maximum floor area ratio of 45 percent.

Background

TRCA staff conducted a natural feature staking exercise on September 19, 2022, for the purposes of staking the limits of the natural features on the property, as part of a Concept Development Application (CFN 66380.14). A natural feature staking letter was provided to the applicant and owner on October 24, 2022, confirming receipt of the staking survey and outlined the required studies and information needed to define the Natural System (i.e., natural hazards, natural features, and buffer areas) that would need to be protected as part of any future development application. An updated survey delineating the staked dripline, prepared by

ERTL-HUNT Surveyors, dated September 23, 2022, was submitted to the satisfaction of TRCA on October 12, 2022.

The site plan circulated in support of this Minor Variance Application appears to be consistent with the staking survey reviewed as part of the associated Concept Development Application. Staff note that a 3-metre setback of the dripline can be permitted, once additional TRCA comments have been addressed at the TRCA permit stage.

TRCA Permit Requirements

The subject lands contain a valley corridor associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Based on the review of materials circulated with this application, the proposed development is located within the regulated portions of the property. Thus, **a permit is required** from TRCA to facilitate the development associated with this application. Please contact undersigned for Permit Application requirement checklist.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$950 (Minor Variance – Residential - Standard). The applicant is responsible for fee payment within 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval Application A/198/23 subject to the **conditions** identified in Appendix A.

Should you have any questions or comments, please contact the undersigned.

Regards,



Rameez Sadafal
Planner I – York East Review Team
Development Planning and Permits | Development and Engineering Services
Telephone: (437) 880-2163
Email: rameez.sadafal@trca.ca

/rs

Attached: Appendix A: TRCA Conditions of Approval

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$950 within 60 days of the committee hearing date.
2	The applicant seeks and is issued a permit by TRCA pursuant to the <u>Conservation Authorities Act</u> .

APPENDIX “D”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/198/23

1. The variance apply only to the proposed development as long as it remains;
2. That the variance apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” of this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations; and
6. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “C” 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:



Trisha Sridharan, Development Technician, Planning and Urban Design Department