

Memorandum to the City of Markham Committee of Adjustment

November 11, 2024

File: A/094/24
Address: 3 Ritter Crescent, Markham
Applicant: Tse-Kin Tong
Hearing Date: Wednesday, November 20, 2024

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

The Applicant is requesting relief from the “Third Density – Single Family Residential (R3)” zone requirements under By-law 134-79, as amended, as it relates to a proposed detached cabana in the rear yard. The variance requested is to permit:

- a) **By-law 134-79, Section 5.13**: an accessory building located 26.82 metres from the centre line of an arterial road (16th Avenue), whereas the By-law requires a minimum distance of 30 metres from the centre line of all arterial roads.

BACKGROUND

Property Description

The 765 m² (8,234 ft²) Subject Lands are located north of Ritter Crescent, west of Normandale Road, and south of 16th Avenue (refer to Appendix “A”). The property is located within an established residential neighbourhood comprised of two-storey detached dwellings. Mature vegetation exists on the property with several trees along the interior side yard, front yard, and rear yard. There is an existing two-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1983.

Proposal

The Applicant is proposing to construct a new one-storey detached cabana in the rear yard with a gross floor area of 19.30 m² (208 ft²), as shown in Appendix “B”.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

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

and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 134-79, as amended

The Subject Lands are zoned “Third Density – Single Family Residential (R3)” zone requirements under By-law 134-79, as amended, as it relates to a proposed one-storey detached cabana. The proposed development does not comply with By-law 134-79 with respect to the minimum setback distance from the centerline of the arterial road.

Zoning By-law 2024-19, as amended

The Subject Lands are zoned “Residential - Established Neighbourhood Low Rise (RES-ENLR)” under By-law 2024-19, as amended, which permits detached dwellings. By-law 2024-19, as amended, is the Comprehensive Zoning By-law (CZBL), approved by City Council on January 31, 2024. Section 1.7 of the CZBL provides transition policies allowing the former Zoning By-law to remain applicable for ‘applications in process’ prior to the CZBL coming into full force and effect for three years. A building permit (HP 22 110153) was submitted in October 2022, requiring the Owner to obtain a variance to By-law 134-79 only. If this variance application is approved, the building permit is required to be obtained by January 31, 2027.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their ongoing building permit review process (HP 22 110153) to confirm the variances required for the proposed development.

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.

Setback from an Arterial Road

The Applicant is requesting relief to permit an accessory building that is located 26.82 metres (87.99 feet) from the centre line of 16th Avenue, whereas the by-law requires a minimum setback of 30 metres (98.43 feet) from the centreline. This represents a reduction of 3.18 metres (10.43 feet).

The variance is entirely attributable to the rear single-storey detached cabana. The main rear wall of the proposed accessory building (cabana) provides a rear yard setback of approximately 6.1 metres (20 feet) and is generally consistent with the established rear yard setback pattern on the street. Given that there is generous distance between the centerline of 16th Avenue and the proposed accessory building, and that the property

consists of mature vegetation along the rear yard, Staff are of the opinion that the one-storey cabana will have minimal impacts on neighbouring properties and that the variance is minor in nature.

Staff further note that the intent of the By-law is to accommodate for any future arterial road widenings along 16th Avenue. 16th Avenue is a regional arterial road that is owned and operated by York Region. The Region has reviewed the application and has confirmed that they have no comments on the variance application.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 11, 2024. 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 request variances meet the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

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

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

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



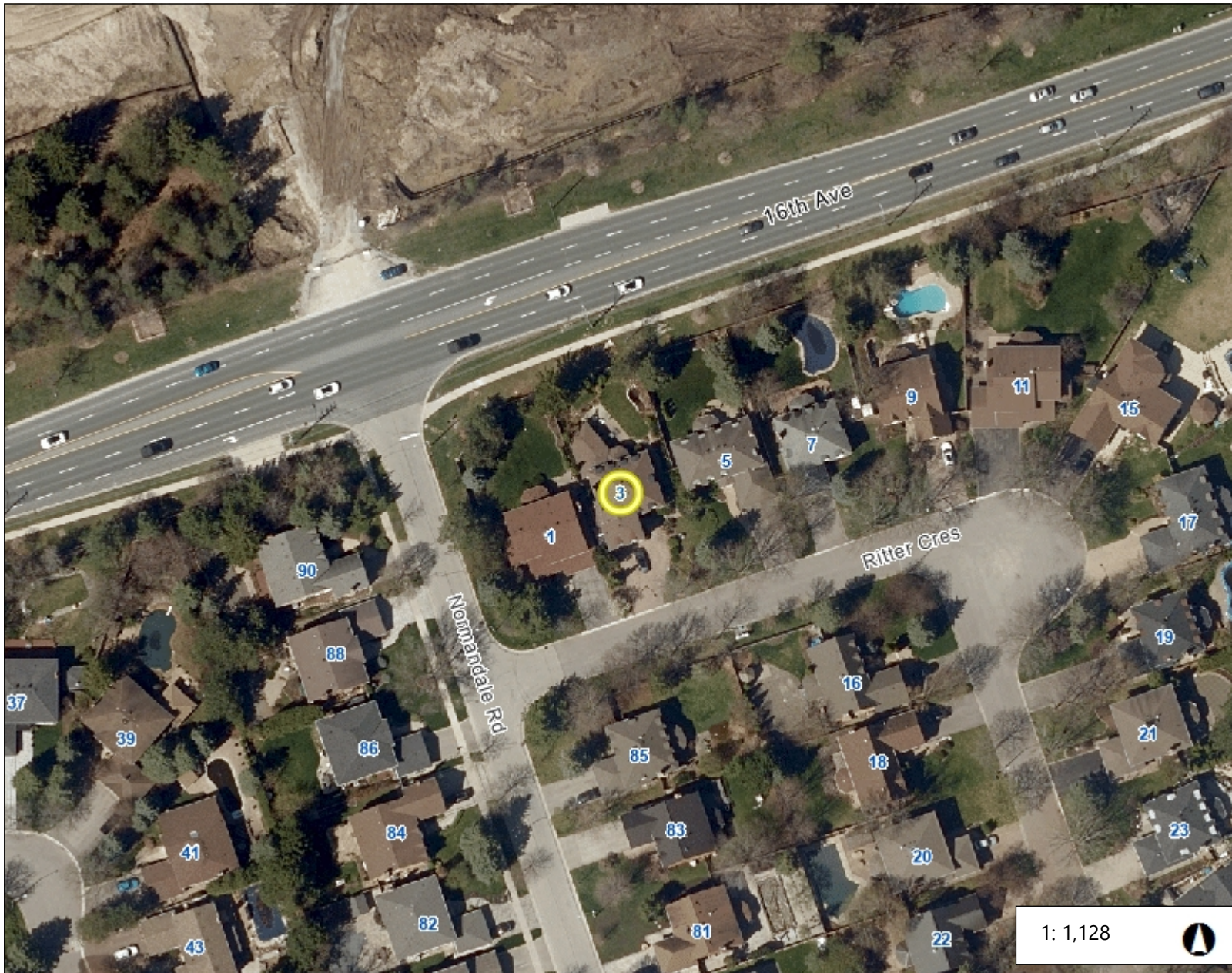
Melissa Leung, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/094/24 Conditions of Approval



Legend

Subject Lands

1: 1,128



57.3 0 28.65 57.3 Meters

Notes

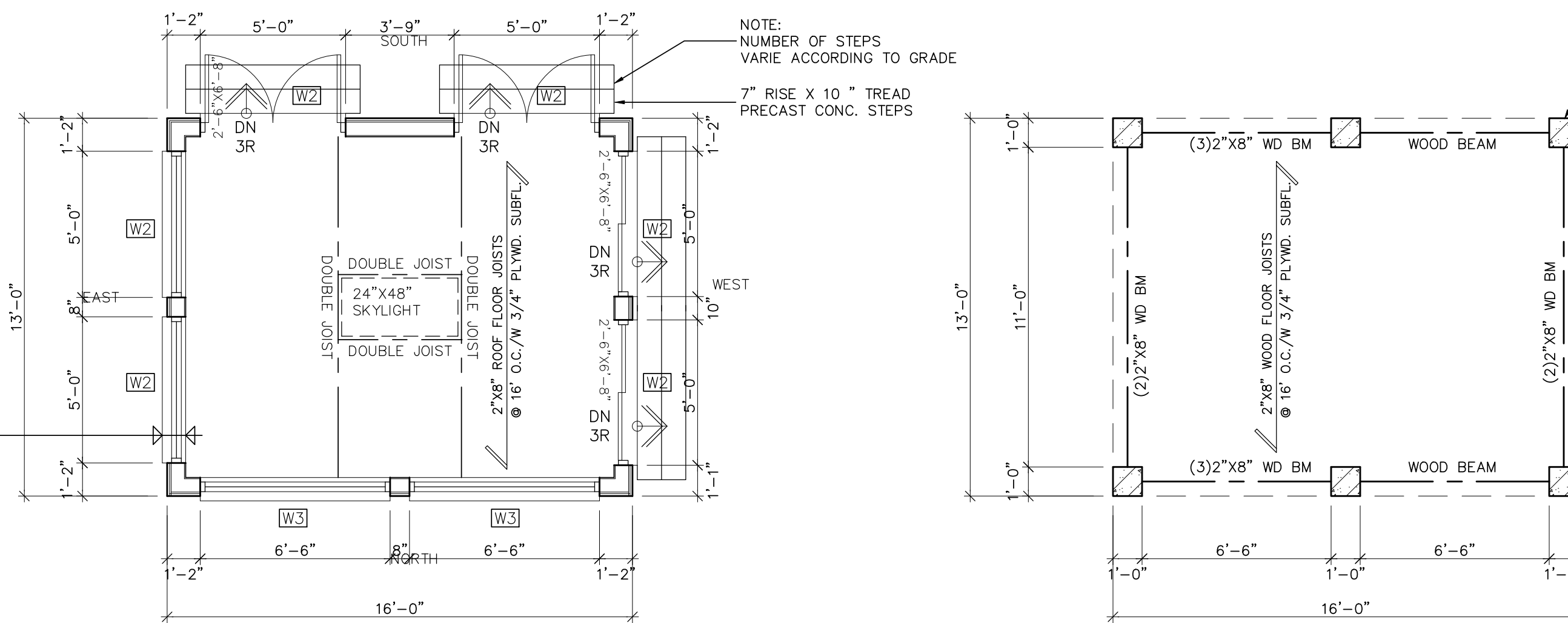
CENTER LINE OF ROAD FOR 16 th AVENUE

16 th AVENUE

NO.	LINTEL SIZE	MAX. SPAN
W1	2'-2"x6"	4'-7"
W2	2'-2"x8"	6'-5"
W3	2'-2"x10"	7'-4"
W4	3'-2"x12"	9'-10"
W5	3'-2"x8"	

TYPICAL EXTERIOR WALL

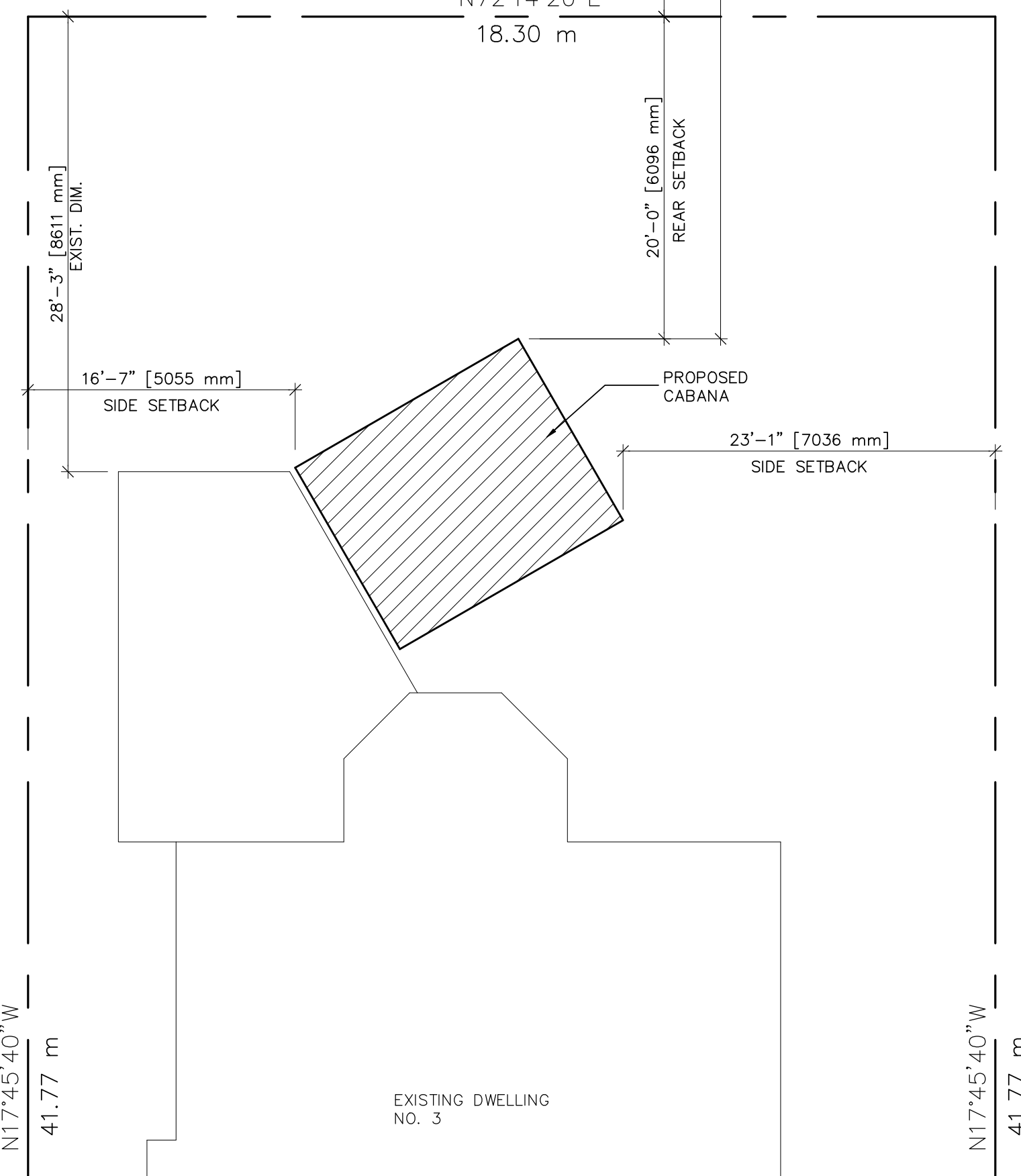
WOOD SIDING (EXT. GRADE) ON 1"x2" WOOD STAPPING BUILDING PAPER ON 3/8" ASPENITE SHEATHING 2"x4" WALL STUDS @ 16" O.C. 1/2" GYPSUM BOARD



2 FIRST FLOOR PLAN

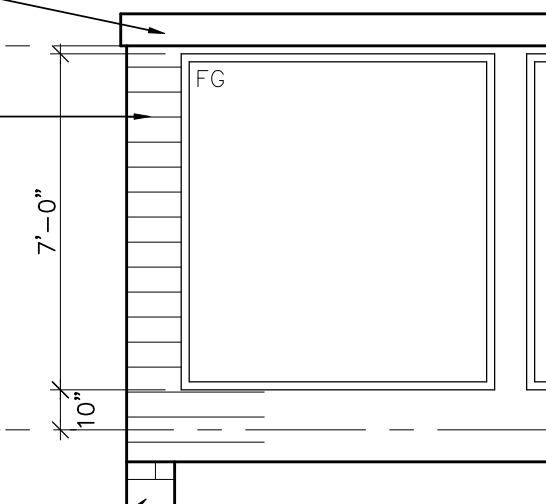
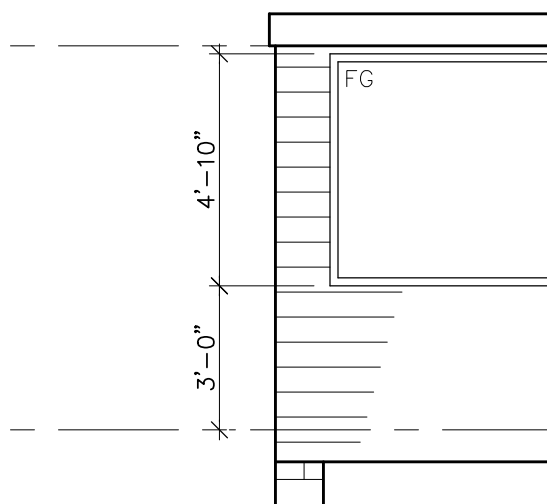
3 FOUNDATION PLAN

SITE STATISTICS	IMPERIAL	METRIC
SITE AREA	8,228 S.F.	764.4 SM
PROPOSED COVERAGE	29.1 %	2,391 S.F.
EXIST. HOUSE COVERAGE	2,183 S.F.	202.8 SM
PROPOSED CABANA	208 S.F.	19.3 SM



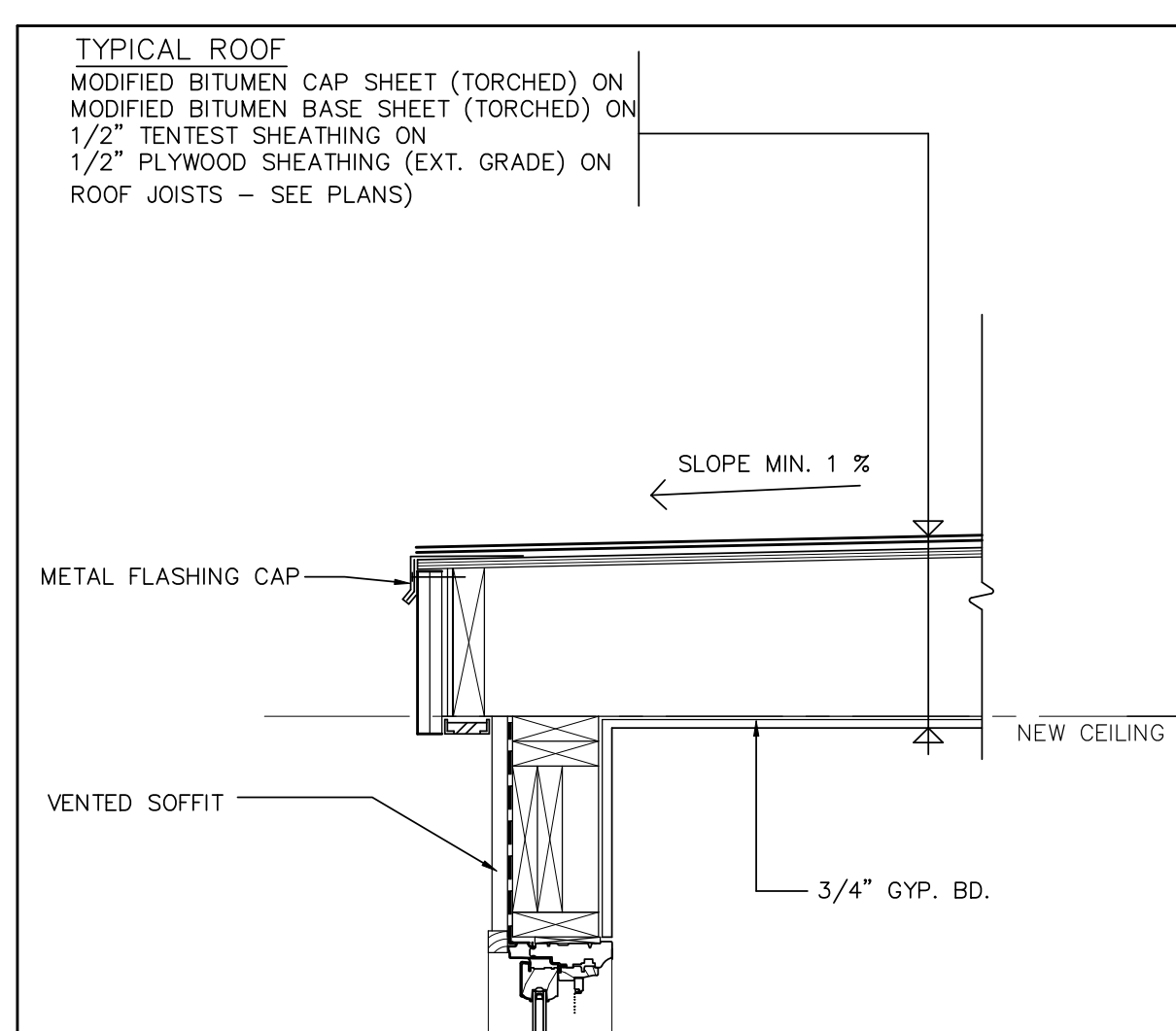
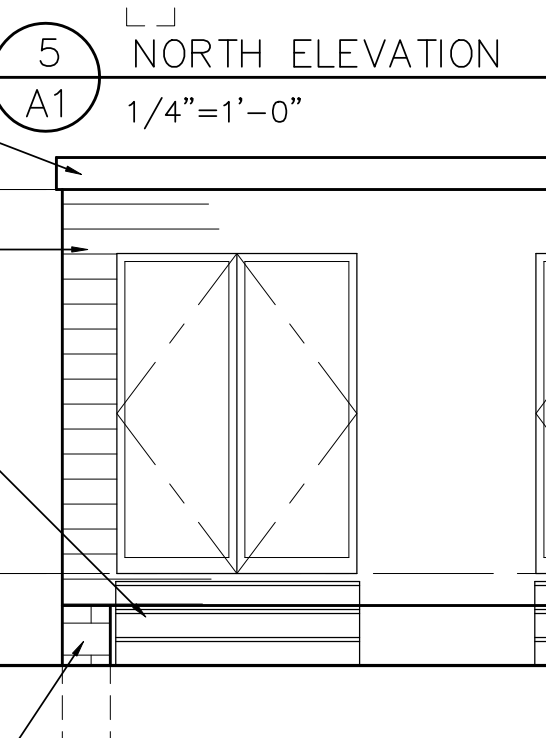
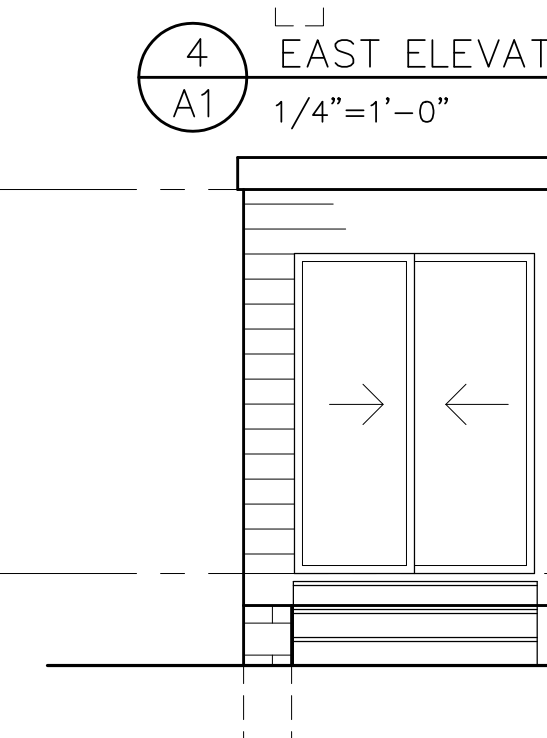
4 EAST ELEVATION

5 NORTH ELEVATION

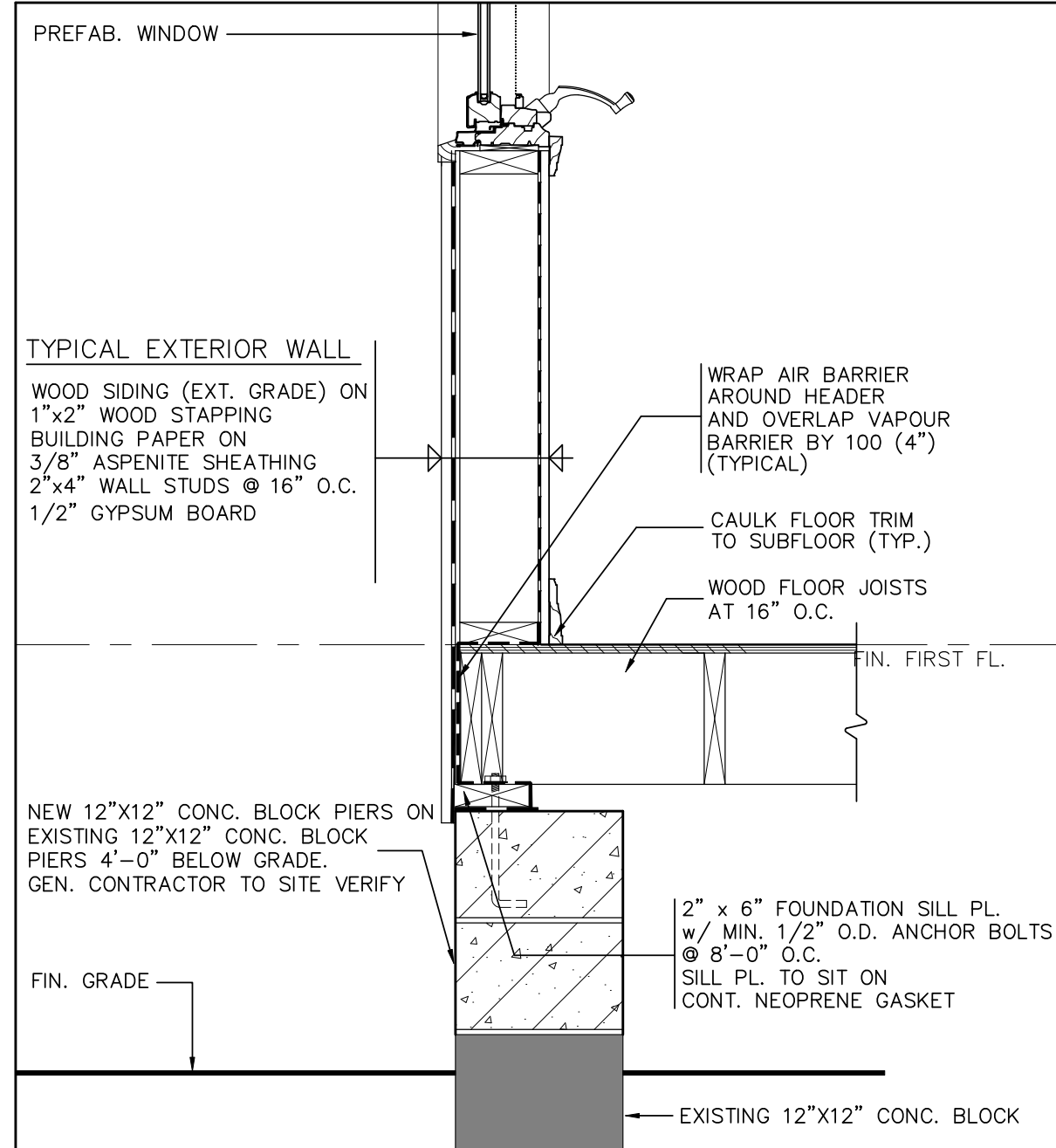


6 WEST ELEVATION

7 SOUTH ELEVATION



8 DETAIL 1"=1'-0"



9 DETAIL 1"=1'-0"

10 FOUNDATION WALLS

Foundation Walls

- To be poured concrete, unit masonry or precast concrete (see drawings for type and thickness)
- Damp proofing shall be a heavy coat of bituminous material.
- Foundation wall to extend minimum 7/8" above finished grade.
- A drainage layer is required on the outside of a foundation wall where the interior insulation extends more than 2'-11/2" exterior grade. A drainage layer shall consist of:
 - Min. 3/4" mineral fibre insulation with min. Density of 3.6 lb/ft³
 - Min. 4" of free drainage granular material, over 9 7/8" in diameter
- An approved system which provides equivalent performance
- Foundation walls shall be braced or have the floor joists installed before backfilling

Concrete Floor Slabs

- Garage, carport and exterior slabs and exterior steps shall be 4000psi concrete with 5-#5s/cr reinforcement
- Other slabs 3000psi concrete
- Minimum 4" thick, placed on a minimum 4" coarse, clean, granular material
- All fill other than coarse clean material placed beneath concrete slabs shall be compacted to provide uniform support

Masonry Walls

- Where constructed of 3 1/2" brick, wall shall be bonded with header course every 6th course
- Provide 2" solid masonry or continuous 1/2" plate under all roof and floor framing members
- Provide 1/2" solid masonry under beams and columns
- Masonry wall to be tied to each tier of joists with 1 9/16" x 3/16" corrosion resistant steel straps, keyed minimum 1/2" into masonry. When joists are parallel to wall, ties are to extend across at least 3 joists @ 6'-7" o.c.
- Inside back of wall to be parge and covered with No. 15 brother-type asphalt paper
- For reduced foundation walls to allow a brick coping while maintaining lateral support, be minimum 1/2" brick to minimum 1/2" back-up block with corrosion resistant tie at least 1/2" in cross sectional area, spaced 7 7/8" vertically and 2'-11" horizontally, with joints completely filled with mortar
- For reduced foundation walls to allow a brick coping while maintaining lateral support, be minimum 1/2" brick to minimum 1/2" back-up block with corrosion resistant tie at least 1/2" in cross sectional area, spaced 7 7/8" vertically and 2'-11" horizontally, with joints completely filled with mortar
- Masonry over openings shall be supported on corrosion resistant or prime painted steel lintels with a minimum of 7/8" embedment
- See S04 for roof sheathing requirements
- Masonry Veneer
 - Minimum 3/4" thick if joints are not raked and 1/2" thick if joints are raked
 - Minimum 1/2" thick if joints are not raked and 1/4" thick if joints are raked
 - Provide weep holes @ 31 1/2" o.c. bottom of the cavity and over doors and windows
 - Direct drainage through weep holes with 20 mil poly flashing extending minimum 5 7/8" up over the weep holes
 - Veneer ties minimum 0.030" thick x 7/8" wide corrosion resistant straps spaced @ 23 5/8" o.c. in horizontal direction and 19 1/2" o.c. in vertical direction
 - Diagonal ties or spiral nails which penetrate at least 1-3/4" into studs

Wood Frame Construction

- All lumber shall be spruce-pine-fir No. 1 & 2, and shall be identified by a grade stamp
- Maximum moisture content 19% at time of installation
- Wood framing members which are supported on concrete in direct contact with soil shall be separated from the concrete with 6 mil polyethylene

Walls

- Exterior walls shall consist of:
 - cladding
 - sheathing paper lapped 4" at joints
 - 3/8" sheetrock or gypsum board or 1/4" plywood sheathing
 - 2x6 studs @ 16" o.c.
 - 2x4 studs @ 16" o.c. can be utilized provided the combined R value of the insulation and exterior rigid insulation achieves R-17
 - Interior loadbearing walls shall consist of:
 - 2x4 studs @ 16" o.c.
 - 2x4 bottom plate and double 2x4 top plate
 - 2x4 mid-grills if not sheathed
 - 1/2" gypsum board sheathing

Floors

- See S04 for floor joist size and spacing requirements
- Joists to have minimum 1/2" dia and bearing
- Joist shall bear on a sill plate fixed to foundation with 1/2" anchor bolts @ 7' 10" o.c.
- Header joists between 3' 11 1/2" to 6' in length shall be doubled. Header joists exceeding 10' 0" in length shall be supported by a post
- Trimmer joists shall be doubled when supported header is between 2' 7" and 6' 7". Trimmer joists shall be sized by calculations when supported header exceeds 6' 7"
- 2x2 cross bracing required not more than 6' 11" from each support and from corners of bracing
- Joist shall be supported on post hangers at all fun beams, trimmers, and headers.
- Joists located under parallel non-loadbearing partitions shall be doubled
- See S04 for roof sheathing requirements

Roof & Ceilings

- See S04 for rafter, roof joist and ceiling joist size and spacing requirements
- Hip and valley rafters shall be 2" deeper than common rafters
- Joist ties for rafter spacing with 1x4 continuous brace at mid span if collar tie exceeds 7' 10" in length
- See S04 for roof sheathing requirements
- Notching & Drilling of Trusses, Joists, Rafters
- Holes in floor, roof and ceiling members to be maximum 1/4" actual depth of member and not less than 2" from edges
- Notches in floor, roof and ceiling members to be located on top of the member within 1/2" the actual depth from the edge of bearing and not greater than 1/3 joist depth
- Wall studs may be notched or drilled provided that no passage of water vapor from the interior occurs, if load bearing, and 1 9/16" non-load bearing
- Roof truss members shall not be notched, drilled or weakened unless accommodated in the design

Stairs

- Minimum Rise 7 7/8"
- Minimum Run 8 1/4"
- Minimum Tread 9 1/4"
- Minimum Head Room 6' 2"
- Minimum Width 2' 10"
- Corral stairs shall have a min. run of 5 1/2" at any point and a minimum average run of 7 7/8"
- Winders which converge to a point in stairs must turn through an angle of no more than 90° with no less than 30" for more than 45° per tread. Sets of stairs must be supported by 3" I-beam the run of the stair
- A landing minimum 11" in length is required
- Minimum 12" of any stair leading to the principal entrance to a dwelling, and other entrances with more than 3 risers
- Exterior concrete stairs with more than 2 risers require foundations

Handrails and Guards

- Handrails and guards are required for interior stairs containing more than 2 risers and exterior stairs containing more than 3 risers
- Guards are required around every accessible surface which is more than 23 5/8" above the adjacent level
- Interior and exterior guards min. 2" high
- Exterior guards shall be 3" high where height does not exceed 6' 2" and 4" where height exceeds 6' 2"
- Guards shall have no openings greater than 4" and no member between 4" and 2" that will facilitate climbing

Plumbing

- Every dwelling requires a kitchen sink, laundry tub or sink, and a bathroom
- The installation or availability of laundry facilities
- A floor drain shall be installed in the basement, and connected to the sanitary sewer where garbage disposal is possible. In other cases, it shall be connected to a storm drainage system, ditch or dry well
- When ceramic tile is applied to a mortar bed with adhesive, the bed shall be a minimum of 1/2" thick and reinforced with galvanized diamond mesh 1/4" applied over polyethylene on subflooring on joists of no more than 16" o.c.
- Stairs shall be constructed to resist forced entry. Doors shall have a deadbolt lock
- The principal entry door shall have either a door viewer, transparent glazing or a sidekick
- Exterior Walls
 - No window or other unprotected openings are permitted in exterior walls less than 3' 11/16" from property line
 - 5/8" fire rated drywall shall be installed on the inside face of attached garage exterior walls and outside face of roof over each area less than 3' 11/16" from property lines
 - Non-combustible cladding shall be installed on all exterior walls less than 23 5/8" from property lines
 - Masonry columns shall be a minimum of 3/8" diameter steel blocking the full width of the supported member under all concentrated loads
- Insulation & Waterproofing
 - Ceiling with attic
 - Exterior Wall Foundation
 - Insulation > 50% exposed
 - Exterior floor
 - Slabs on Grade
 - Supply ducts in unheated space
 - Insulation shall be protected with gypsum board or an equivalent interior finish, except for unheated basements where 6 mil poly is sufficient for fiberglass type insulation
 - Ducts passing through unheated space shall be made airtight with tape or sealant
 - Caulking shall be provided for all exterior doors and windows between the frame and the exterior cladding
 - Weatherstripping shall be provided on all doors and access hatches to the exterior, except doors from a garage to the interior
 - Exterior walls, ceilings and floors shall be constructed so as to provide a continuous barrier to the passage of water vapor from the interior and to the leakage of air from the exterior
 - Alarms and Detectors
 - At least one smoke alarm shall be installed on or near the ceiling in each floor and basement level 2' 11" or more above an adjacent level
 - Smoke alarms shall be interconnected and located such that one is within 10' of every bedroom door and no more than 40' 3" travel distance from any point on a floor
 - A carbon monoxide detector shall be installed on or near the ceiling in every room containing a solid fuel burning fireplace or stove

Natural Ventilation

- Every roof space above an insulated ceiling shall be ventilated with unobstructed openings equal to not less than 1/300 of insulated area
- Insulated roof spaces not incorporating an attic shall be ventilated with unobstructed openings equal to not less than 1/500th insulated area
- Roofs shall be uniformly distributed and designed to prevent the entry of rain, snow or insects
- Unheated crawl spaces shall be protected with 1 1/2" of ventilation for each 328 ft² of area
- Minimum natural ventilation areas, where mechanical ventilation is not provided, are:
 - Bathrooms: 0.97 ft²
 - Other rooms: 1 ft²
 - Unfinished basement: 0.25 of floor area
- Doors and Windows
 - Every floor level containing a bedroom and not served by an exterior door shall contain at least one window having an unobstructed open area of 3.8 ft² and no dimension less than 15" which is operable from the inside without tools
 - Exterior house doors and windows within 6' 7" from grade shall be constructed to resist forced entry. Doors shall have a deadbolt lock
 - The principal entry door shall have either a door viewer, transparent glazing or a sidekick
- Exterior Walls
 - No window or other unprotected openings are permitted in exterior walls less than 3' 11/16" from property line
 - 5/8" fire rated drywall shall be installed on the inside face of attached garage exterior walls and outside face of roof over each area less than 3' 11/16" from property lines
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 - A carbon monoxide detector shall be installed on or near the ceiling in every room containing a solid fuel burning fireplace or stove

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.4.1 of Division "C" of the building code.

SAM PASQUALE, M.A.S.T.D. 19134

ARCHITECTURAL CADD STUDIO 26772

MEMBER OF ASSOCIATION OF ARCHITECTURAL TECHNOLOGISTS OF ONTARIO

REVISIONS

NO.	DATE	ISSUED	BY	OXD
1	JULY/18/14	REVISED AS PER CITY COMMENTS		

THIS DRAWING SHALL NOT BE COPIED, REPRODUCED OR DISTRIBUTED IN ANY MANNER WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE DESIGNER.

THE CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO PROCEEDING WITH THE WORK.

ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND SHALL BE RETURNED UPON COMPLETION OF THE CONSTRUCTION WORK.

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PROJECT: PROPOSED CABANA FOR TONG RESIDENCE
3 RITTER CRESCENT MARKHAM ONTARIO

SHEET TITLE: SITE PLAN, FLOOR PLANS ELEVATIONS AND DETAILS

DATE: OCT. 25 2021 DATE PRINTED: DRAWN: S.J.P. CHECKED: SCALE: 1/4"=1'-0" SHEET NO. A1 of 1

Appendix B

File: 24.187535.000.00.MNV

Date: 11/14/2024

MM/DD/YYYY

LEGEND

- NEW DRYWALL PARTITION
- NEW DOOR
- DENOTES EXHAUST FAN
- SMOKE ALARM
- CARBON MONOXIDE DETECTOR
- ALUM. ALUMINUM
- CARP. CARPET
- CONC. CONCRETE
- CONC. CERAMIC TILE
- CONC. DIMENSION
- D.G. DOUBLE GLAZED
- EXIST. EXISTING
- GLASS GLASS
- GB GYPSUM BOARD
- HND HOLLOW CORE WOOD
- HM HOLLOW METAL
- HW HARD WOOD
- REIN. REINFORCING
- REIN. STEEL
- REIN. CORE WOOD
- STAIN STAIN
- VTN VENT. COMPOSITE TILE
- WB WNTL. BASE
- WB WATERPROOF
- WD WOOD

NOTE

HANDRAILS REFER TO ONTARIO BUILDING CODE 9.8.7.5.

GUARDS REFER TO ONTARIO BUILDING CODE 9.8.8.1.

CEMENT SHALL MEET THE REQUIREMENTS OF CAN-AS

CONC. COMPRESSIVE STRENGTH AT 28 DAYS: 25 MPA UNLESS NOTED OTHERWISE

STEEL AND WOOD BEAMS TO HAVE A MINIMUM BEARING OF 4 INCHES

REIN. STEEL SIZE IN METRIC UNLESS NOTED OTHERWISE

CONFORM TO REQUIREMENTS OF THE ONTARIO BUILDING CODE AND THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS.

OWNER, BUILDER/CONTRACTOR SHALL FOLLOW ALL PLANS, SECTIONS & DETAILS AS PER INDICATED

DESIGNER SHALL TAKE NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE PROJECT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE AND REGULATIONS FOR CONSTRUCTION PROJECTS. DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER BY PHONE PRIOR TO COMMENCEMENT OF THE WORK.

THIS DRAWING IS THE PROPERTY OF THE DESIGNER AND CONTRACT DOCUMENTS FOR THIS PROJECT ARE NOT TO BE REPRODUCED, ALTERED OR REUSED WITHOUT THE DESIGNER'S WRITTEN AUTHORITY.

SURVEYOR'S REAL PROPERTY REPORT

SURVEY OF LOT 88 REGISTERED PLAN M-1971 TOWN OF MARKHAM

N72°14'20"E 18.30 m

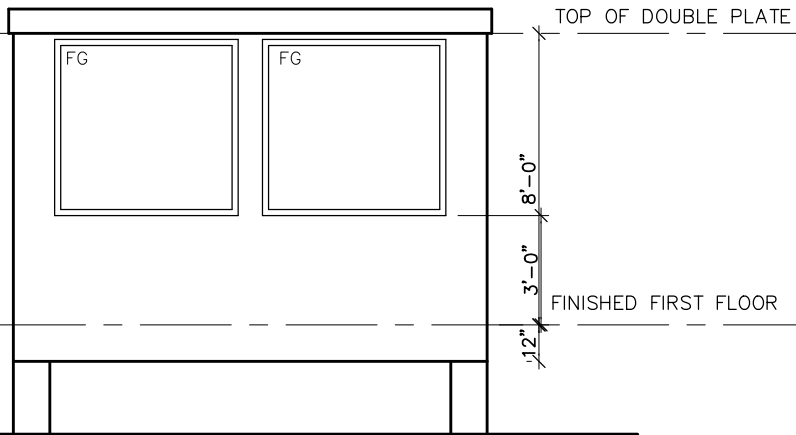
RITTER CRESCENT

1 SITE PLAN 1/8"=1'-0"

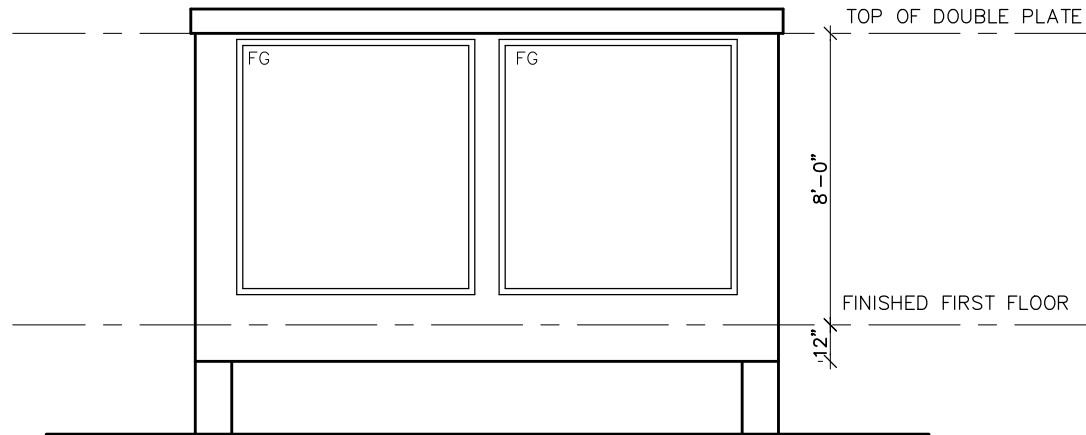
Appendix B

File: 24.187535.000.00.MNV

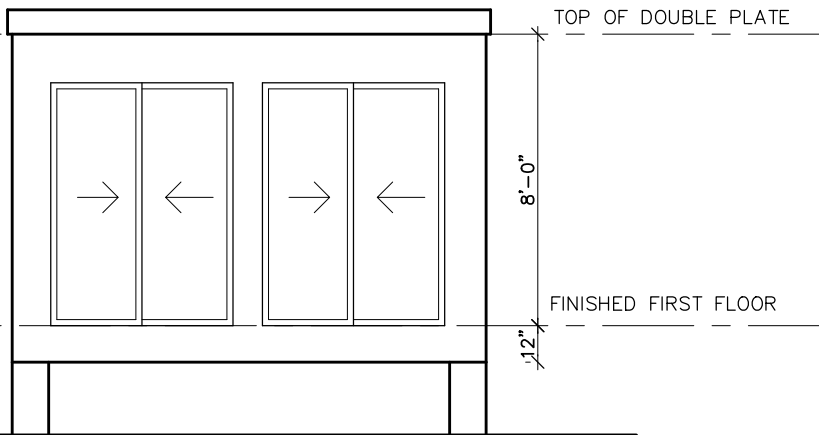
Date: 11/14/2024
MM/DD/YYYY



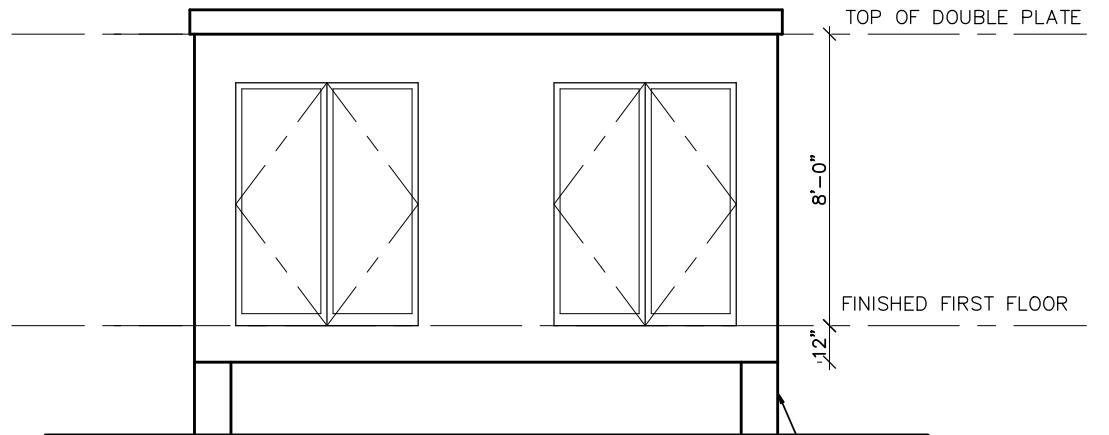
EAST



NORTH



WEST



SOUTH

12"X12" COCN. BLOCK
PIERS ON EXIST.
CONC SLAB ON GRADE

**PLAN SHOWING BUILDING LOCATION SURVEY OF
LOTS 87 TO 91 PLAN M-1971
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK**

SCALE 1 : 400.

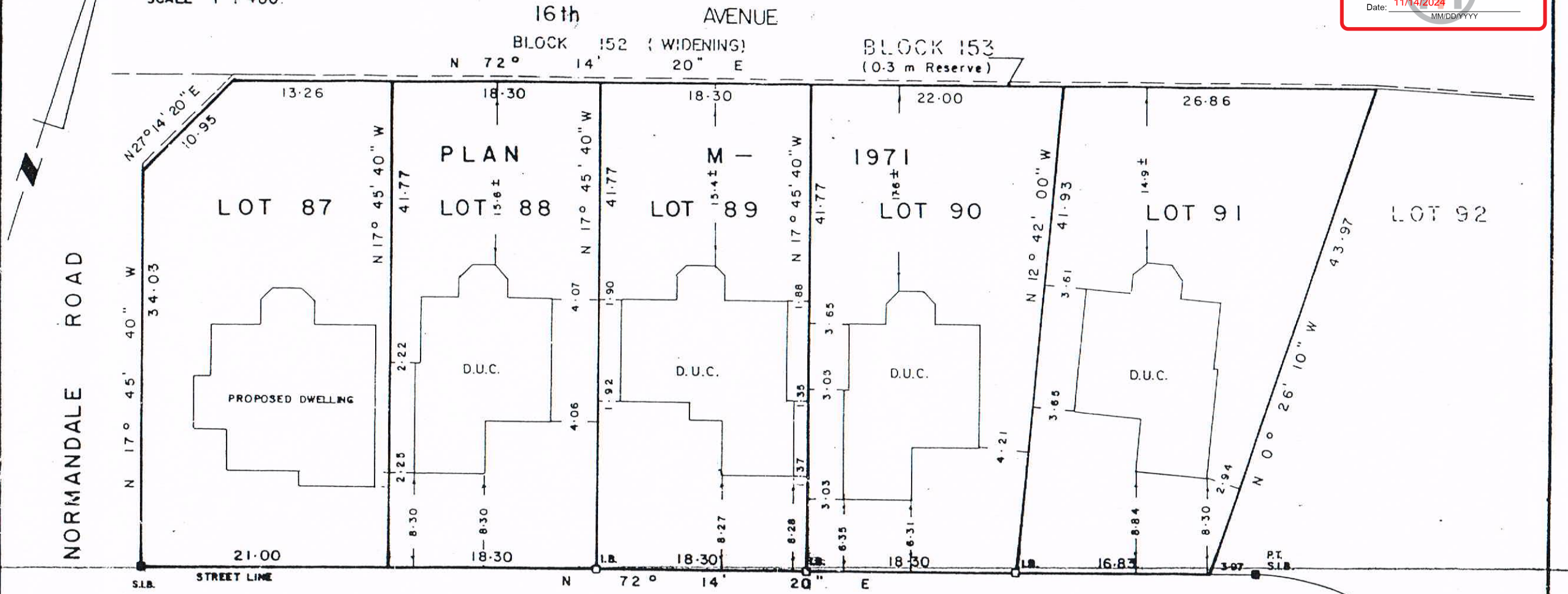
METRIC : DISTANCES SHOWN ON THIS PLAN
ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048

Appendix B

File: 24.187535.000.00.MNV

Date: 11/14/2024

MMDDYYYY



TIES ARE TAKEN TO CONCRETE FOUNDATION
D.U.C. DENOTES DWELLING UNDER CONSTRUCTION

DATE: Feb. 1, 1982

Gerhard Becker
GERHARD A. BECKER, O.L.S.

AK Anton Kikas Limited
Consulting Engineers
Ontario Land Surveyors—Planners
2028 Avenue Road, Toronto M8M 4A4 Tel 498-1991

JOB NO 81-77-12

APPENDIX “C” – A/094/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/094/24

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed 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 Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator 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.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office