

**Memorandum to the City of Markham Committee of Adjustment (Amended)**  
May 25, 2023

**File:** A/047/23  
**Address:** 4 Elspeth Place, Markham (Thornhill)  
**Applicant:** Dorsa Malek  
**Agent:** topdot inc. (Hamia Aghaiemeybodi)  
**Hearing Date:** Wednesday, May 31, 2023

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

The Applicant is requesting relief from the following “Second Density Single Family Residential (R2)” zone requirements of By-law 2237, as amended, as it relates to a proposed two-storey single detached dwelling. The variance requested are to permit:

- a) **Amending By-law 101-90, Section 1.2 (i):**  
a maximum building height of 8.5 metres, whereas the By-law permits a maximum flat roof building height of 8 metres;
- b) **Amending By-law 101-90, Section 1.2 (vii):**  
a maximum floor area ratio of 55.0 percent, whereas the By-law permits a maximum floor area of 50 percent;
- c) **By-law 2237, Section 3.7:**  
a basement window well encroachment of 56 inches, whereas the By-law permits a maximum encroachment of 18 inches into the required front yard setback.

**BACKGROUND**

**Property Description**

The 907.16 m<sup>2</sup> (9,764.59 ft<sup>2</sup>) Subject Lands are located on the north side of Elspeth Place, east of Grandview Avenue, and south of Pinevale Road (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.

There is an existing 247.58 m<sup>2</sup> (2,665 ft<sup>2</sup>) two-storey detached dwelling on the Subject Lands which was constructed in 1963, according to assessment records. Mature vegetation exists on the property including one large mature tree in the front yard.

The rear portion of the Subject Lands are within TRCA’s Regulated Area, as it is within close proximity to a valley corridor associated with the Don River Watershed.

## **Proposal**

The Applicant is proposing to construct a new two-storey detached dwelling with a gross floor area of 499.30 m<sup>2</sup> (5,374.42 ft<sup>2</sup>), 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. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, 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 2237 as amended

The Subject Lands are zoned “Second Density Single Family Residential (R2)” under By-law 2237, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the window well encroachment.

## Residential Infill Zoning By-law 101-90

The Subject Lands are also subject to the Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building height, and gross floor area.

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

The Applicant completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on May 16, 2023. The Applicant has not conducted a subsequent 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

### **Increase Maximum Building Height Variance**

The Applicant is requesting relief to permit a maximum building height of 8.50 metres (27.89 feet), whereas the By-law permits a maximum building height of 8.0 metres (26.25 feet). This represents an increase of 0.50 metres (1.64 feet).

Staff are of the opinion that the proposed maximum building height is minor in nature, will have limited impact the streetscape and therefore have no concern with the requested variance.

### **Increased Maximum Floor Area Ratio Variance**

The Applicant is requesting relief to permit a floor area ratio of 55.0 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 499.30 m<sup>2</sup> (5,374.42 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 453.50 m<sup>2</sup> (4,881.43 ft<sup>2</sup>). This represents an increase of approximately 45.80 m<sup>2</sup> (492.99 ft<sup>2</sup>), above what is permitted by the By-law.

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 dwelling 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 and that the proposed dwelling is generally consistent with what the By-law permits.

### **Increased Maximum Window Well Encroachment Variance**

The Applicant is requesting a maximum window well encroachment of 56 inches, whereas the By-law permits a maximum window well encroachment of 18 inches into the required front yard setback.

Staff are of the opinion that the proposed maximum window well encroachment is minor in nature, and will provide an appropriate open space width and therefore have no concern with the requested variance.

### **Tree Protection and Compensation**

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees at 4 Elspeth Place. Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, 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 that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

### **TRCA Comments**

Toronto and Region Conservation Authority (TRCA) provided comments via email dated April 24, 2023 indicating that they have no objections to the proposed consent application subject to conditions as detailed in Appendix "D".

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 24, 2023. 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:



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Hussnain Mohammad, Planner 1, Zoning and Special Projects

REVIEWED BY:



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Rick Cefaratti, MCIP RPP, Senior Planner II, West District

**APPENDICES**

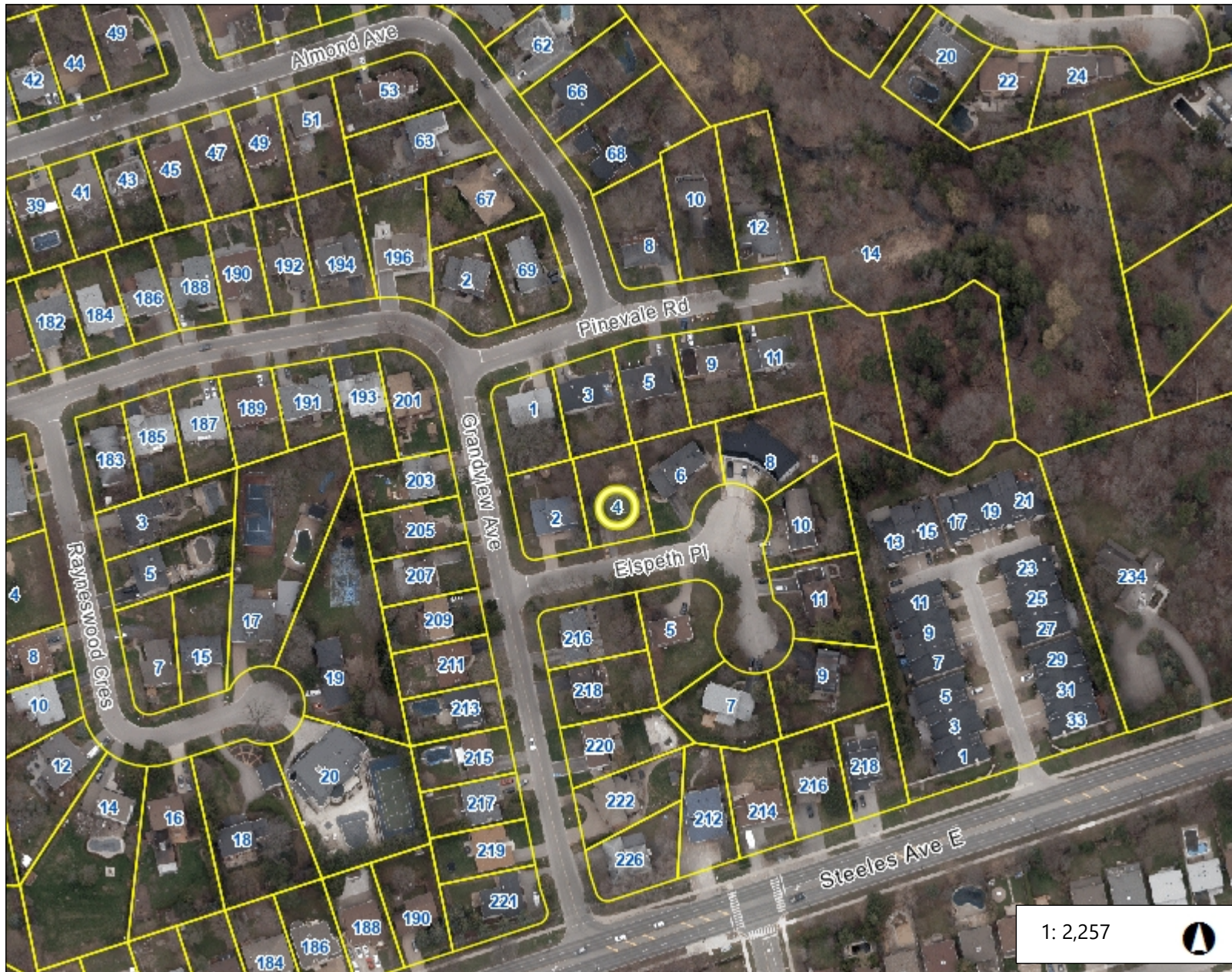
Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/47/23 Conditions of Approval

Appendix "D" – TRCA Comments





Legend

- Parcel Overlay
- Parcel
- Park Facility
- Parks**
- Under Development
- <all other values>

1: 2,257



114.7 0 57.33 114.7 Meters

Notes





Zoning			
Key Name	By-law	Design	Comments
1- Lot Area	907.157m2	907.157m2	
2-Front Setback	27'	27'	
3- Side Setback	1.8m	2.963m	
4- Side Setback	1.8m	3.022m	
5- Rear Setback	30'	30'	
6- Building Height flat roof	8 m	8.5 m	
7- Building Height	9.8 m		
8- Lot coverage Index	33 %	33%	
9- GFA	453.5	499.3 m2	55%
10- Front yard Area		214.3 m2	
11- Front Yrd Soft Landscape	40%	104.5 m2	48.7%
12- Backyard Area		278	
13- Backyard Sof tlandscape		169	60.7%
14- Lot dimensions	25.1 x 36.76		Irregulare
15- Parking	1	2 Garage	
16-Lot Coverage m2	299.361 m2	295.9 m2	
17- Min Lot area	905.8	907.157	
18- Net Area	1.357		
19- Maximum floor area	453.5785		4876 sq.ft.
20- Zoning	R2		
21- Building Depth	16.8 m	16.76m	
22- Maximum Garage width		6 m	
23-Parking driveway width		7.5 m	
24-Maximum storeys	2	2	

GFA Calculation:  
 First floor including Garage = 281.1 m2  
 Second Floor Excluding voids= 218.2 m2

Total = 499.3 m2

Voids= 48 m2



Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.:      Date:      Revision:

**Eispeth Residence**

ISSUED FOR A-001

2023-05-10 10:13:34 AM      Project No.: 0043201921

Project Status: Zoning Application      Drawing No.:

Project Data      **A-001**

Scale:

Date: 10/11/20

Drawn By: Author      Checked By: Checker



**SURVEYOR'S REAL PROPERTY REPORT**  
 PART 1  
 PLAN OF  
 LOT 17  
 REGISTERED PLAN M-862  
 IN THE  
 CITY OF MARKHAM  
 (REGIONAL MUNICIPALITY OF YORK)

SCALE & NOTES

Scale 1:150



ALTIMAP LAND SURVEYORS INC.

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METRIC

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

ELEVATION NOTE

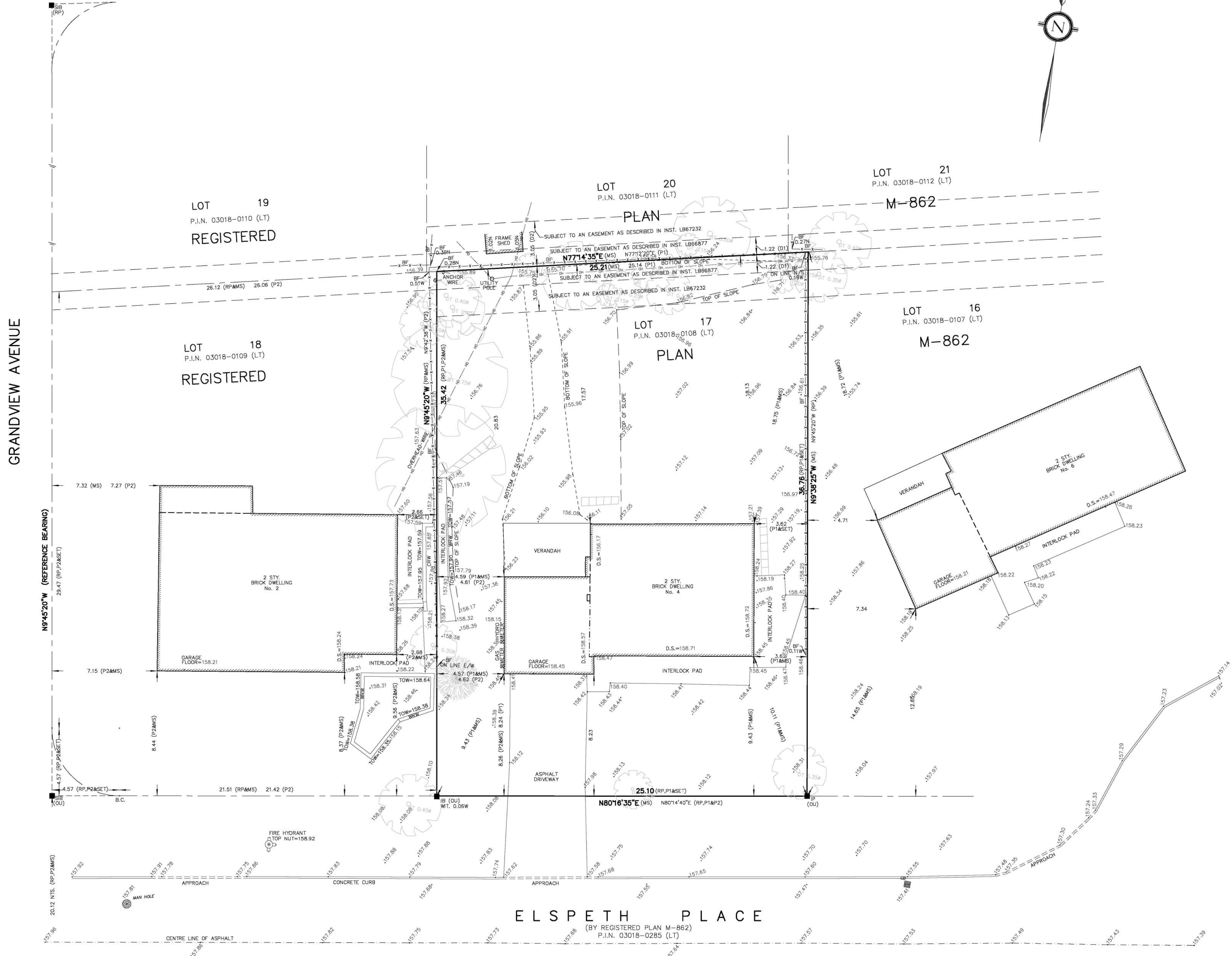
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF MARKHAM BENCHMARK No. M01-013 LOCATED AT (BRASS TABLET SET HORIZONTALLY IN EAST FACE OF STONE PILLAR AT THE NORTH WEST CORNER OF THE INTERSECTION OF STEELED AVENUE.), HAVING A PUBLISHED ELEVATION OF 172.549 METERS.

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF GRANDVIEW AVENUE AS SHOWN ON REGISTERED PLAN M-862 HAVING A BEARING OF N09°45'20"W.

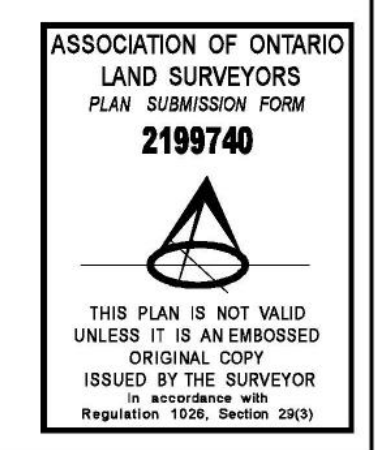
LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
RIB	DENOTES	ROUND IRON BAR
IP	DENOTES	IRON PIPE
CP	DENOTES	CONCRETE PIN
OJ	DENOTES	ORIGIN UNKNOWN
CC	DENOTES	CUT CROSS
WT	DENOTES	WITNESS
MH	DENOTES	MANHOLE
B.C.	DENOTES	BEGINNING OF CURVE
E.C.	DENOTES	END OF CURVE
T.C.	DENOTES	TANGENT OF CURVE
PRC	DENOTES	POINT OF REVERSE CURVE
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
LS	DENOTES	LIGHT STANDARD
INV	DENOTES	INVERT ELEVATION
HYD	DENOTES	FIRE HYDRANT
CRW	DENOTES	CONCRETE RETAINING WALL
SRW	DENOTES	STONE RETAINING WALL
WRW	DENOTES	WOOD RETAINING WALL
TOW	DENOTES	TOP OF WALL ELEVATION
NTS	DENOTES	NOT TO SCALE
MS	DENOTES	MEASURED
FN	DENOTES	FOUNDATION
BR	DENOTES	BRICK
ST	DENOTES	STUCCO
SL	DENOTES	SIDING
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
D.S.	DENOTES	DOOR SILL ELEVATION
MF	DENOTES	METAL FENCE
FFE	DENOTES	FINISHED FLOOR ELEVATION
GFE	DENOTES	GARAGE FLOOR ELEVATION
RP	DENOTES	REGISTERED PLAN M-862
P1	DENOTES	PLAN BY J. S. LEITCH, O.L.S. DATED NOVEMBER 22, 1962
P2	DENOTES	PLAN BY DIEGO FAZIO LTD., O.L.S. DATED APRIL 02, 1997
D1	DENOTES	INSTRUMENT No. LB66877
D2	DENOTES	INSTRUMENT No. LB67232



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No.: \_\_\_\_\_ Date: \_\_\_\_\_ Revision: \_\_\_\_\_



**PART 2**  
 REGISTERED EASEMENTS/RIGHTS-OF-WAY - SUBJECT TO AN EASEMENT AS DESCRIBED IN INSTRUMENT No. LB66877 AND LB67232.  
**ADDITIONAL REMARKS** - MAKE NOTE OF THE LOCATION OF FENCES AND PHYSICAL FEATURES AS DEPICTED ON THE FACE OF THIS PLAN. BUILDING TIES ARE TO BRICK/CONCRETE UNLESS OTHERWISE NOTED.  
 THIS PLAN WAS PREPARED FOR AMIR FARD AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON AUGUST 29, 2022.  
 AUGUST 31, 2022  
 GUIDO V. CONSOLI  
 ONTARIO LAND SURVEYOR

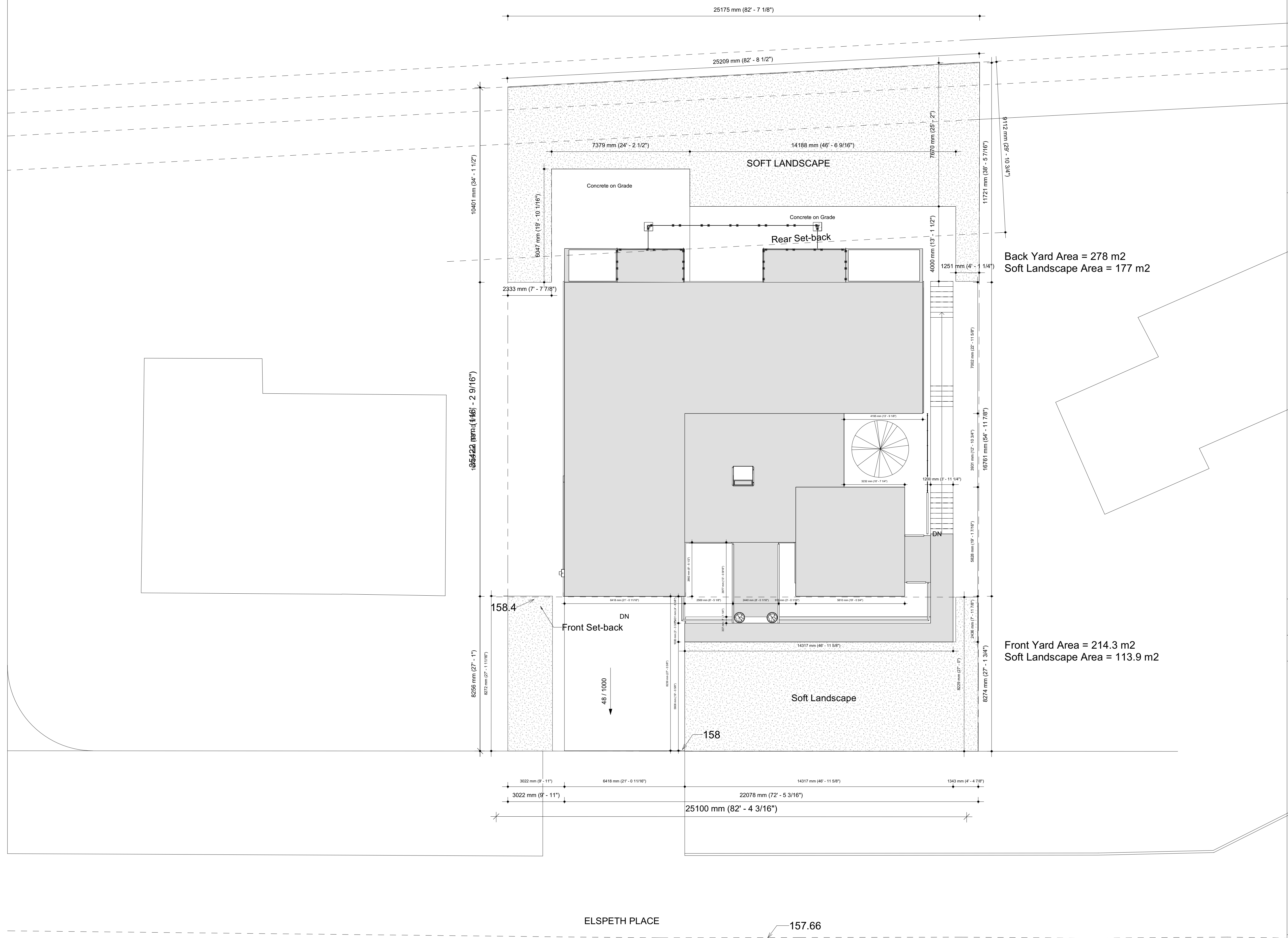
**ALTIMAP LAND SURVEYORS INC.**  
 222 FINCH AVE W, UNIT 212, TORONTO, ON M2R 1M6  
 TEL 416 890 3901 INFO@ALTIMAP.COM

DWN BY: SM  
 CHK BY: GVC  
 JOB No.: 22-2487

Elspeth Residence	
ISSUED FOR A-002	
2023-05-10 10:13:47 AM	Project No.: 0943220921
Project Status: Zoning Application	Drawing No.: A-002
Survey	
Scale:	
Drawn By: Author	Date: 10/11/20 Checked By: Checker







Back Yard Area = 278 m2  
 Soft Landscape Area = 177 m2

Front Yard Area = 214.3 m2  
 Soft Landscape Area = 113.9 m2

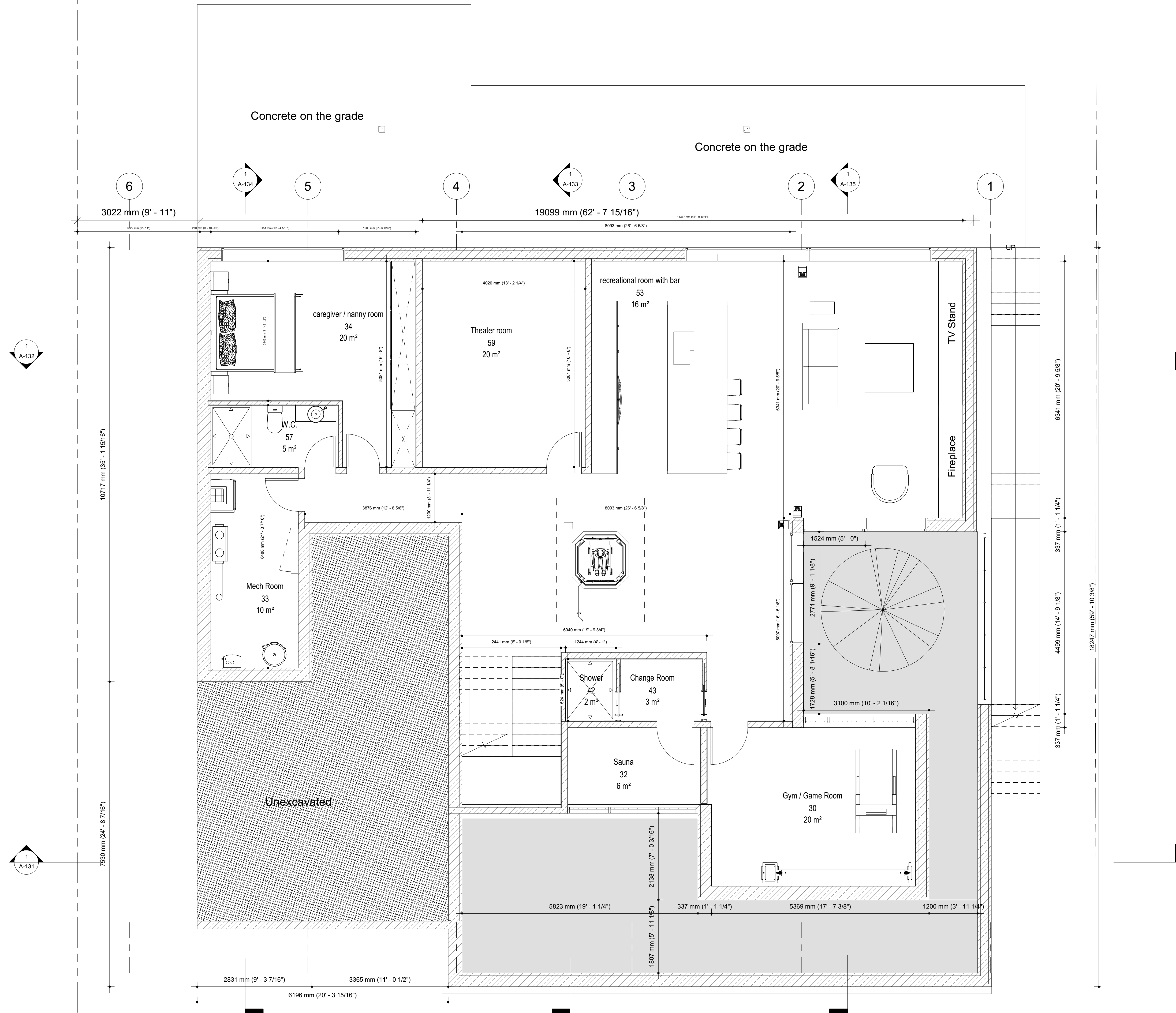


Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.: Date: Revision:

<b>Elspeth Residence</b>	
ISSUED FOR A-004	
2023-05-10 10:13:53 AM	Project No.: 0043220921
Project Status: Zoning Application	Drawing No.: A-004
Scale: 1:100	Date: 10/11/20
Drawn By: Author	Checked By: Checker

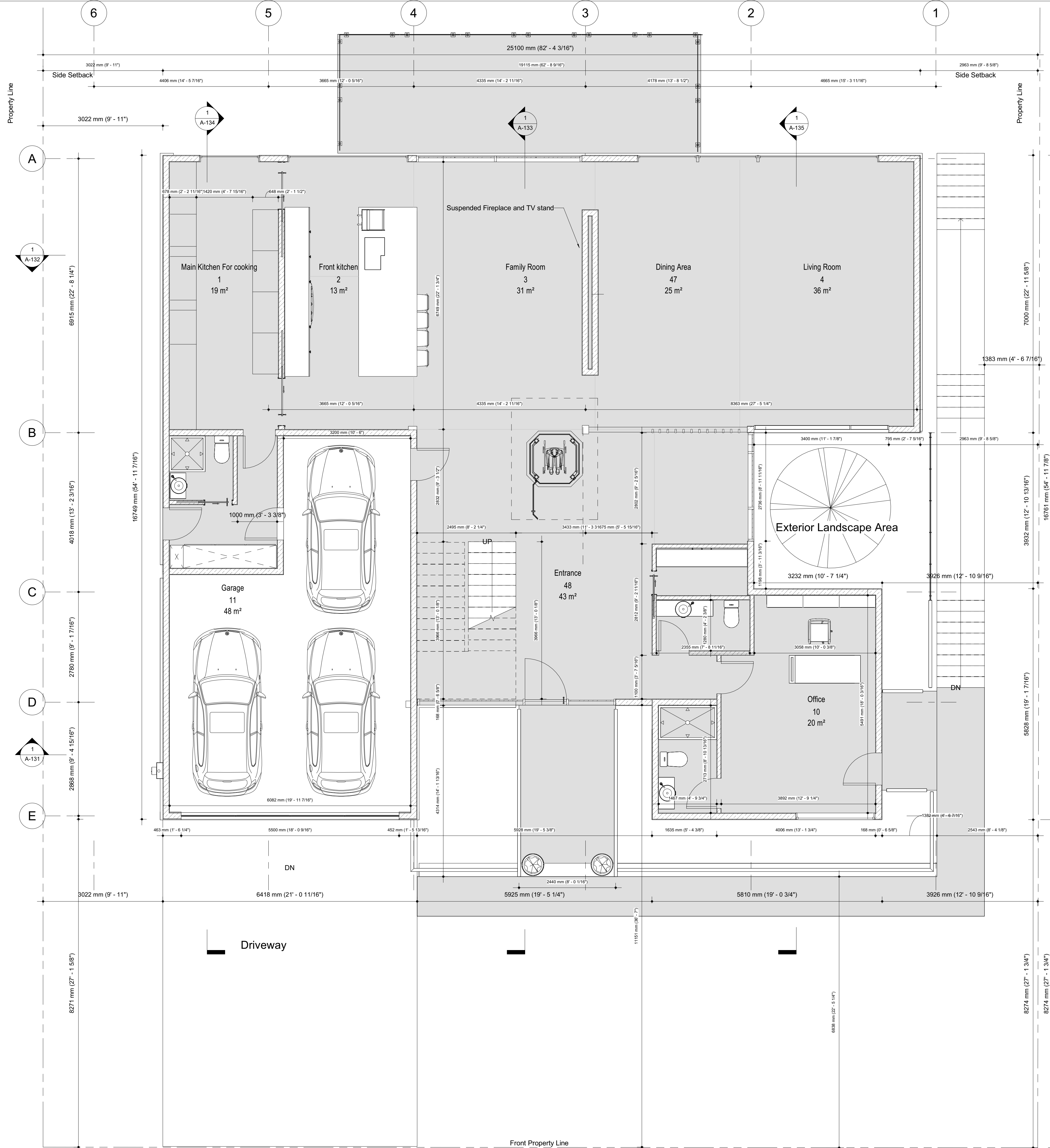




Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.: 11/10/2020 - Slope has been fixed  
 Date: Revision:

<b>Elspeth Residence</b>	
ISSUED FOR A-112	
2023-05-10 10:13:55 AM	Project No.: 0043202021
Project Status: Zoning Application	Drawing No.:
Basement	A-112
Scale: 1:50	Date: 10/11/20
Revisoin: 1	Checked By: Author
Author	Checker

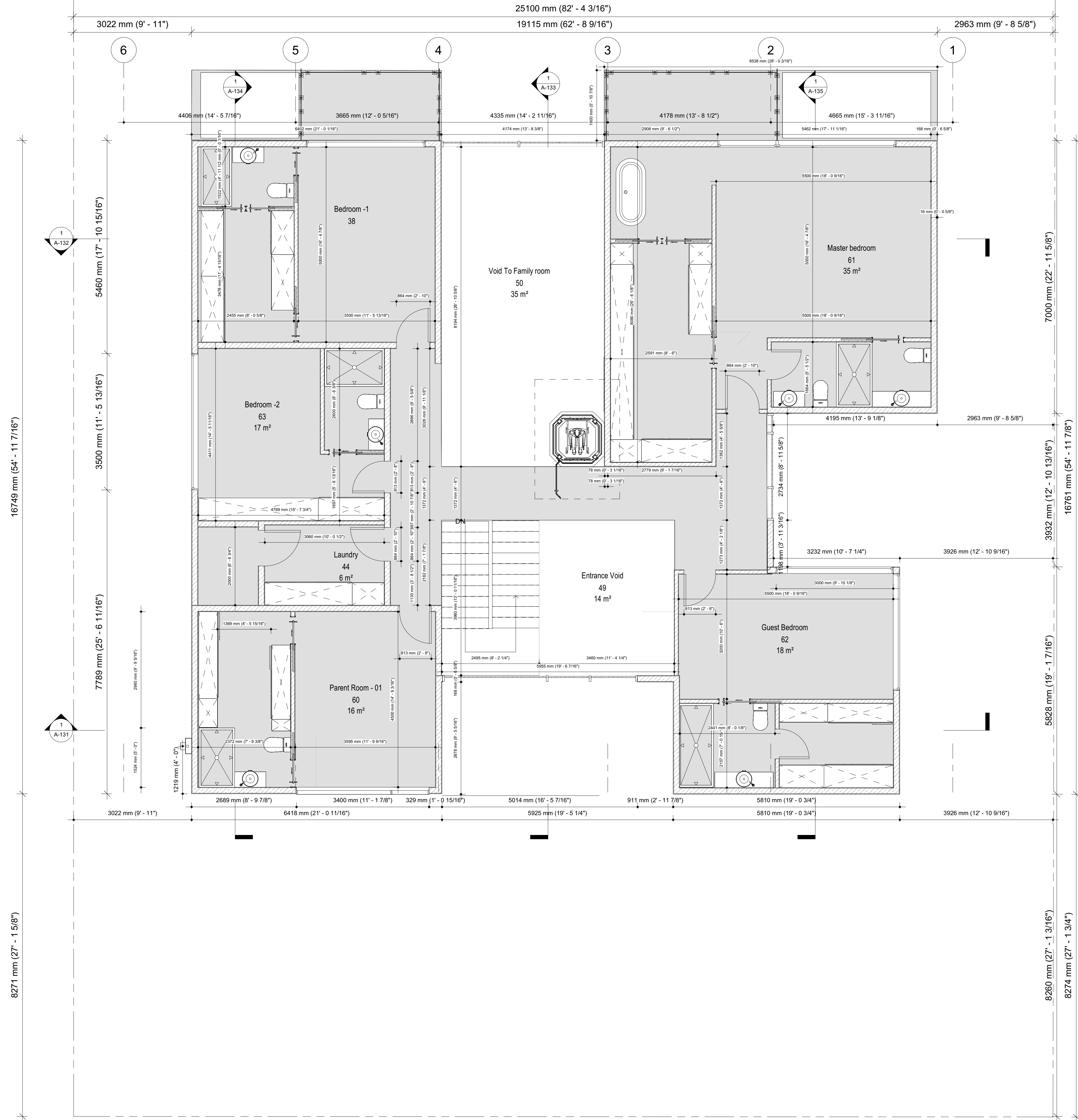


Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.: Date: Revision:

<b>Elspeth Residence</b>	
ISSUED FOR A-113	
2023-05-10 10:13:58 AM	Project No.: 0043220921
Project Status: Zoning Application	Drawing No.: A-113
First Floor	
Scale: 1:50	Date: 10/11/20
Drawn By: Author	Checked By: Checker





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No.: \_\_\_\_\_ Date: \_\_\_\_\_ Revision: \_\_\_\_\_

**Elspeth Residence**

ISSUED FOR A-115

2023-05-10 10:14:01 AM

Project Status: Zoning Application

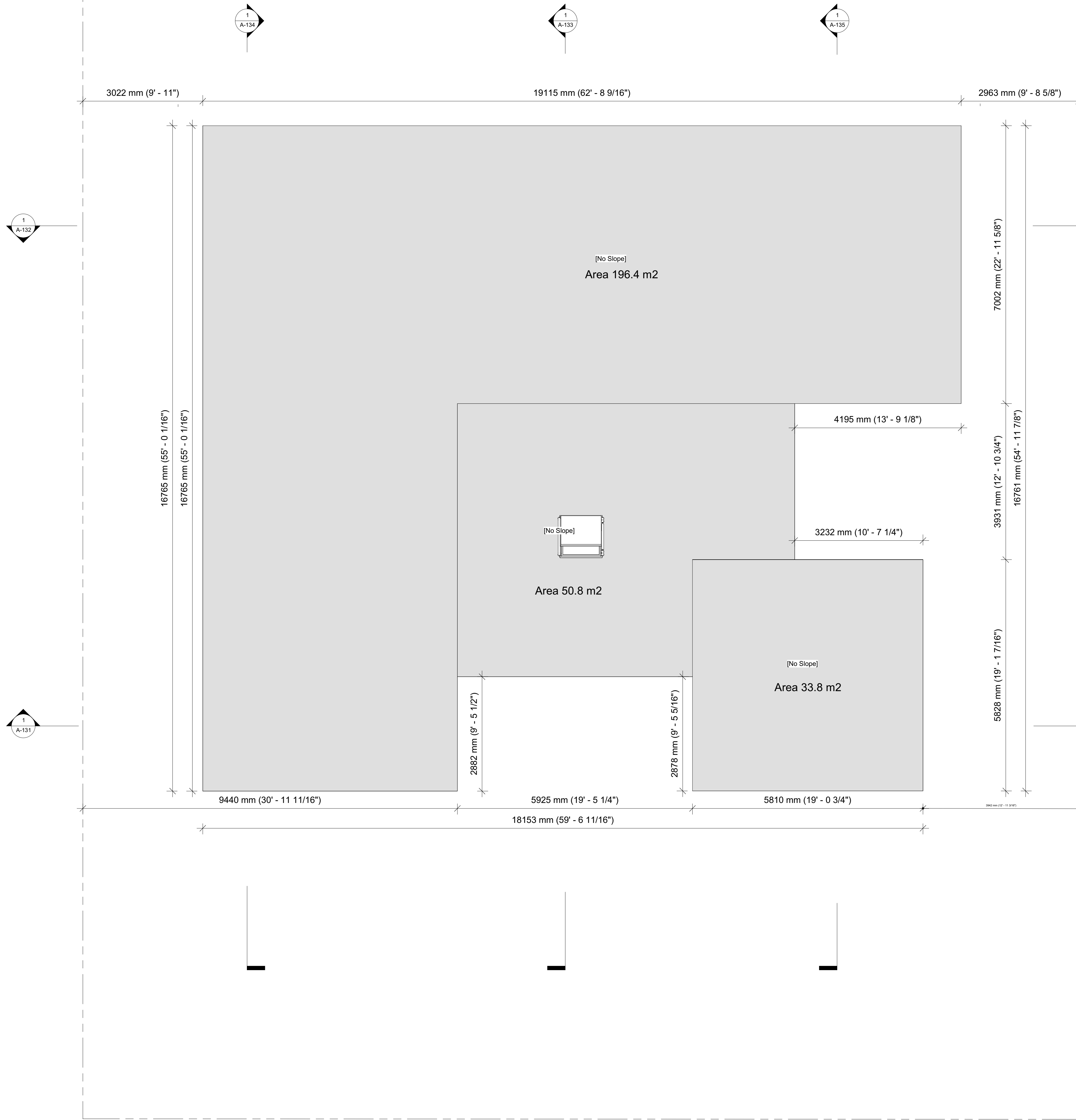
Second Floor

Scale: 1:50

Author: \_\_\_\_\_ Date: 10/11/20

Checked By: \_\_\_\_\_

Project No.: 004320021  
 Drawing No.: A-115



Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.:      Date:      Revision:

**Elsbeth Residence**

ISSUED FOR A-118

2023-05-10 10:14:02 AM      Project No.: 004320921

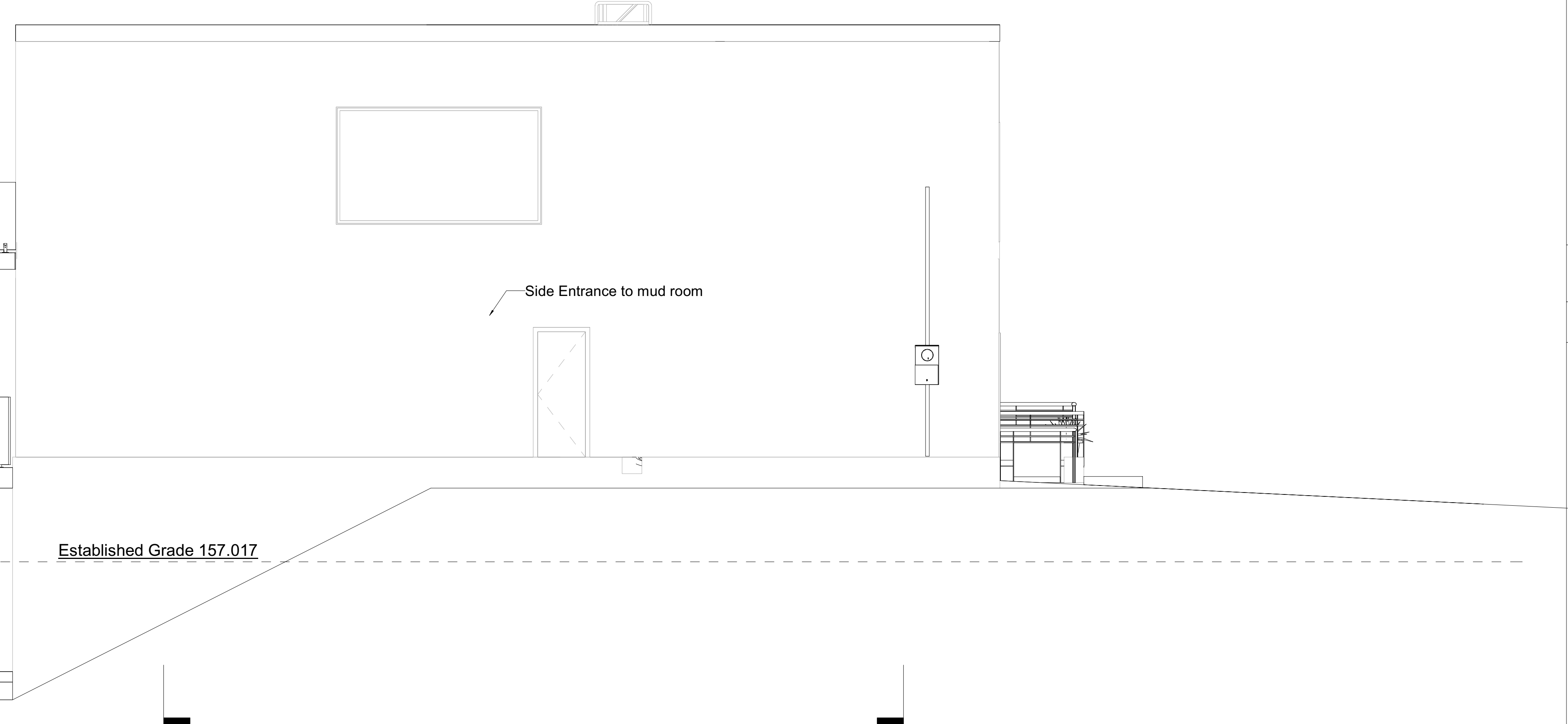
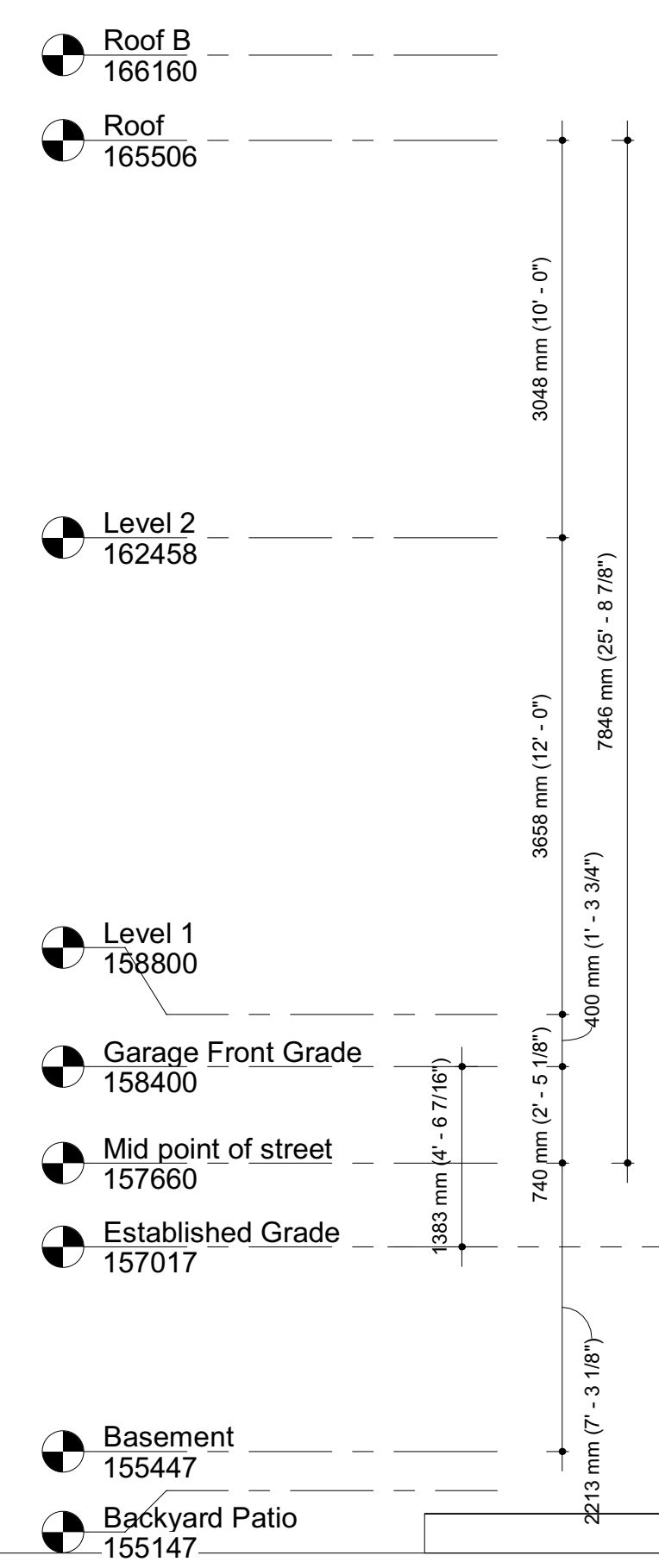
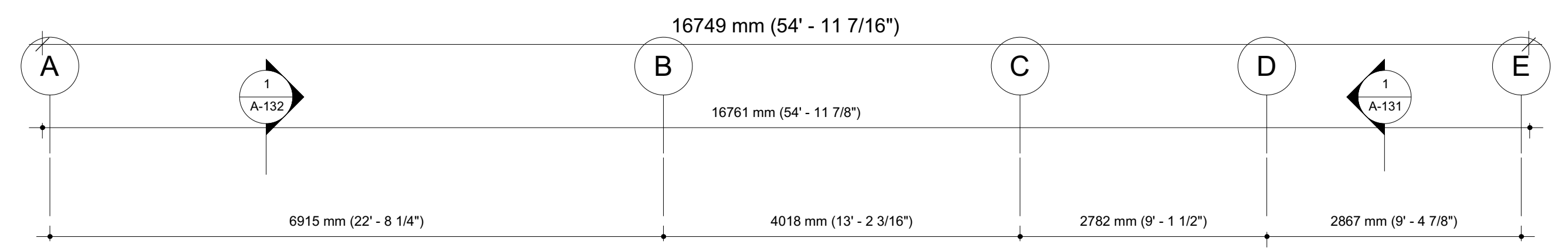
Project Status: Zoning Application      Drawing No.: A-118

Roof Plan

Scale: 1:50

Date: 10/11/20

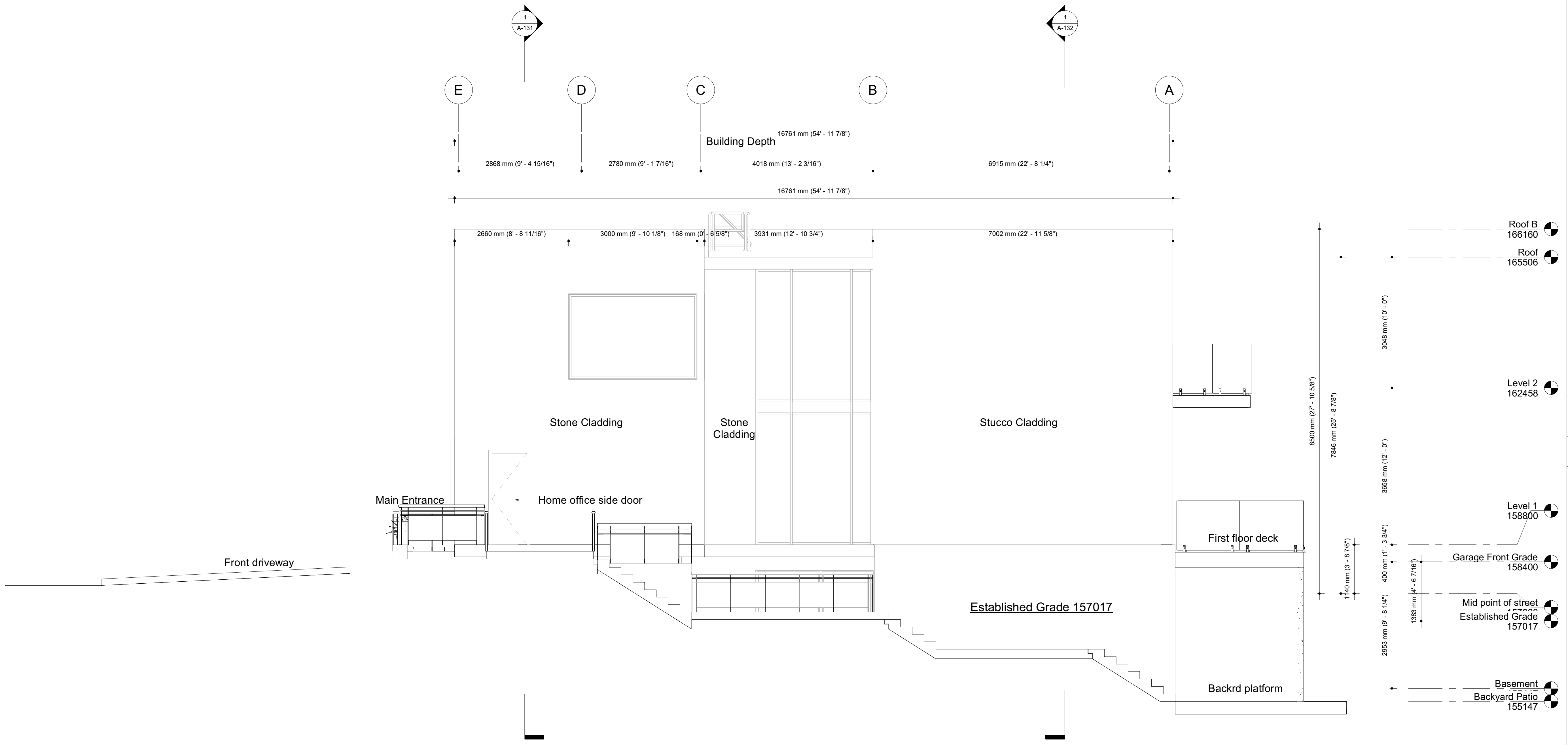
Drawn By: Author      Checked By: Checker



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No.:      Date:      Revision:

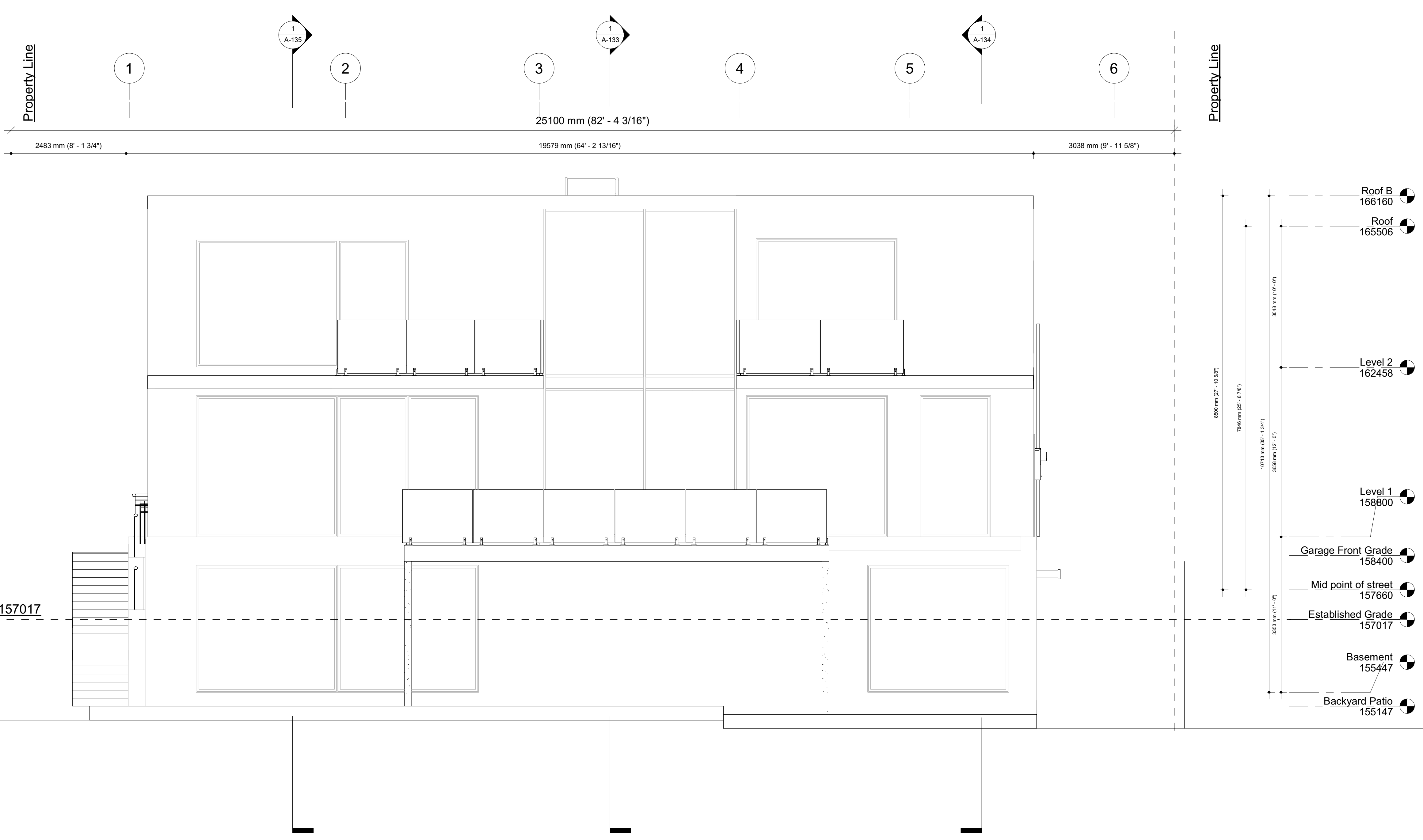
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ISSUED FOR A-122	
2023-05-10 10:14:03 AM	Project No.: 0043201921
Project Status: Zoning Application	Drawing No.: A-122
Scale: 1:50	Date: 10/11/20
Drawn By: Author	Checked By: Checker



Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.: Date: Revision:

<b>Elsbeth Residence</b>	
ISSUED FOR A-121	
2023-05-10 10:14:02 AM	Project No.: 0043201921
Project Status: Zoning Application	Drawing No.: A-121
Scale: 1:50	Date: 10/11/20
Drawn By: Author	Checked By: Checker

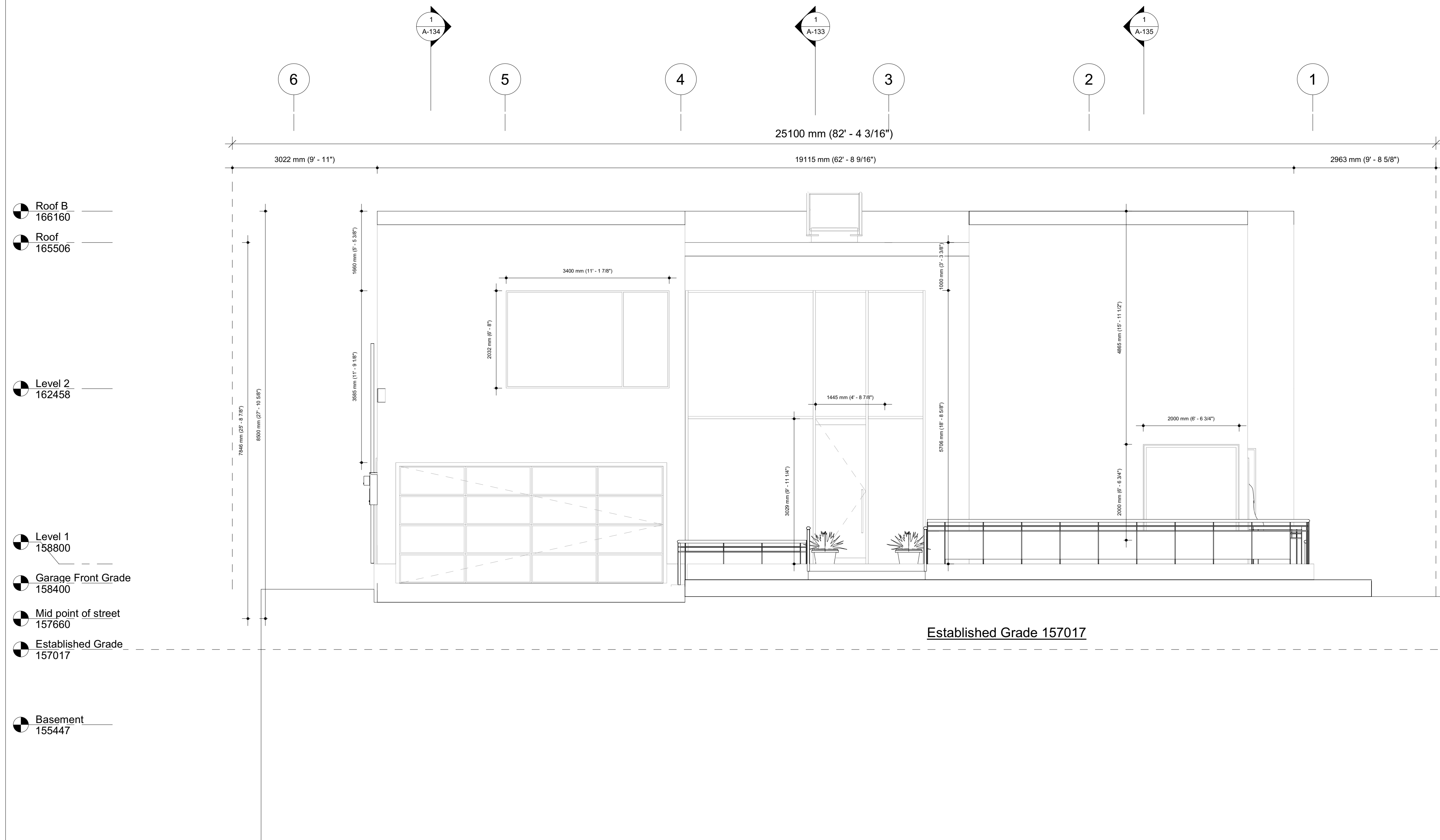


Do not scale drawings. The contractor shall check and verify all dimensions and report any errors or omissions to the architect before commencing or proceeding with any work. All drawings remain the property of the architect.

No.:      Date:      Revision:

<b>Elsbeth Residence</b>	
ISSUED FOR A-124	
2023-05-10 10:14:04 AM	Project No.: 0043201921
Project Status: Zoning Application	Drawing No.: A-124
North Elevation	
Scale: 1:50	Date: 10/11/20
Drawn By: Author	Checked By: Checker

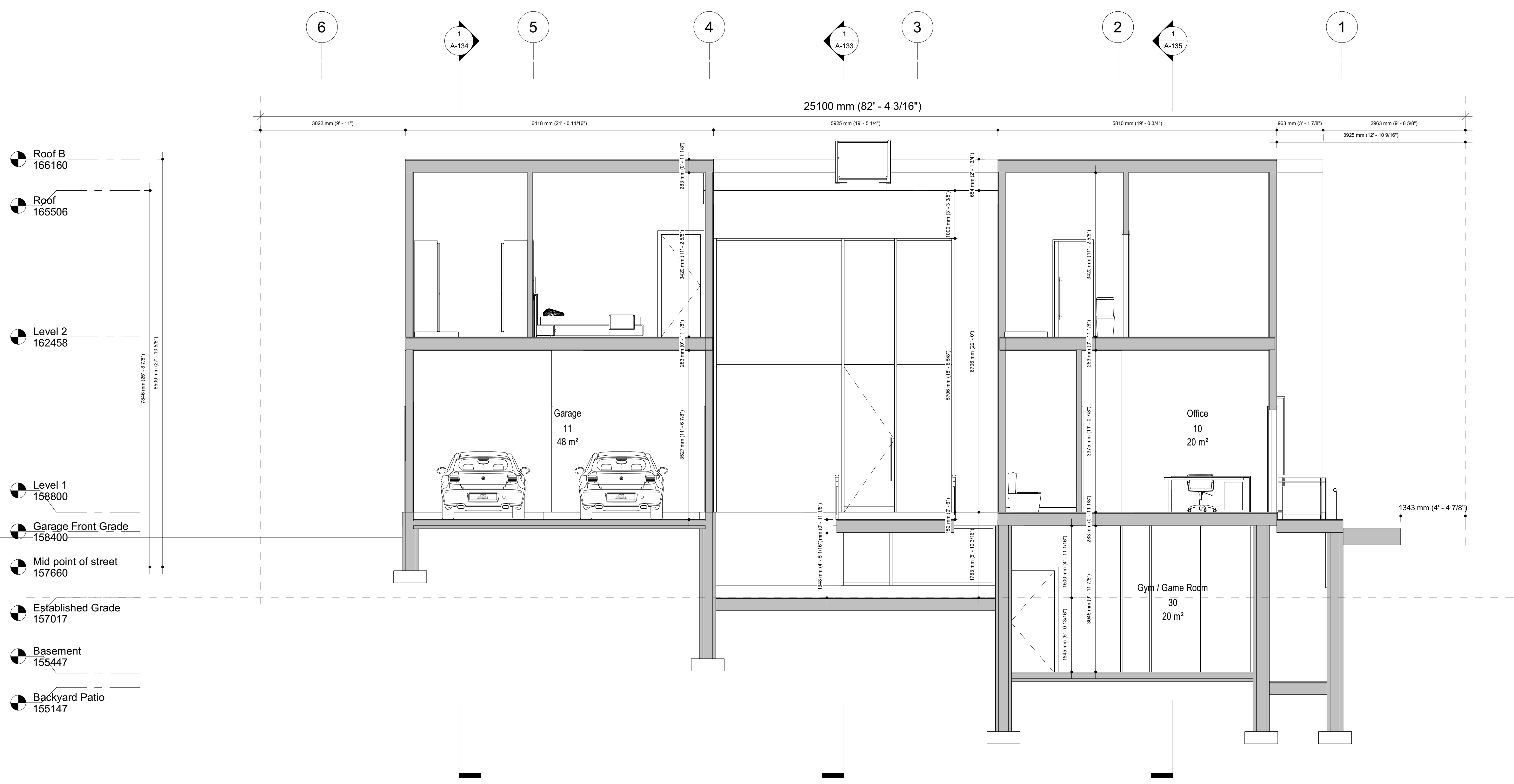




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No.: \_\_\_\_\_ Date: \_\_\_\_\_ Revision: \_\_\_\_\_

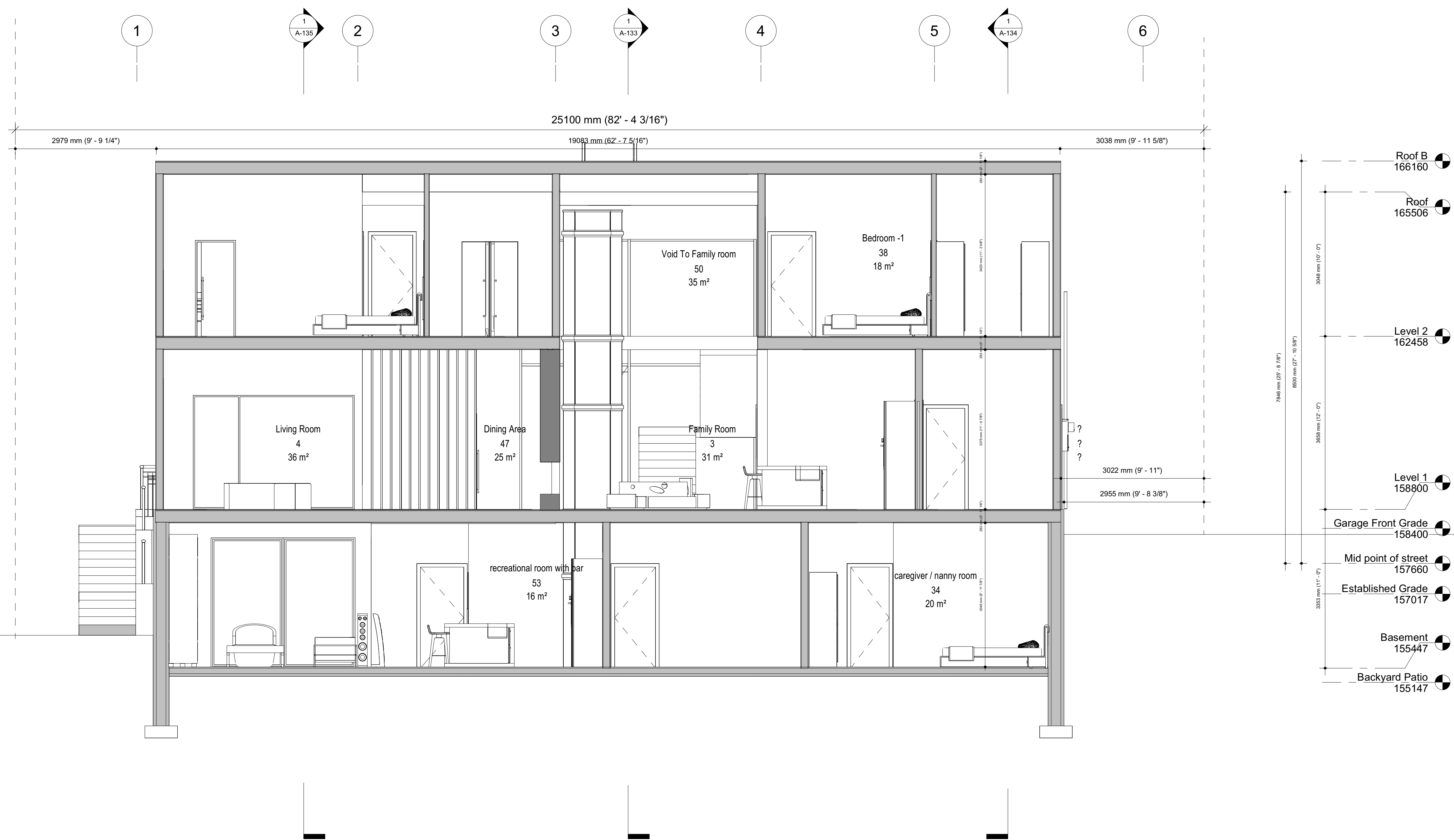
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Project Status: Zoning Application	Drawing No.: A-123
Scale: 1:50	Date: 10/11/20
Drawn By: Author	Checked By: Checker



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No.:      Date:      Revision:

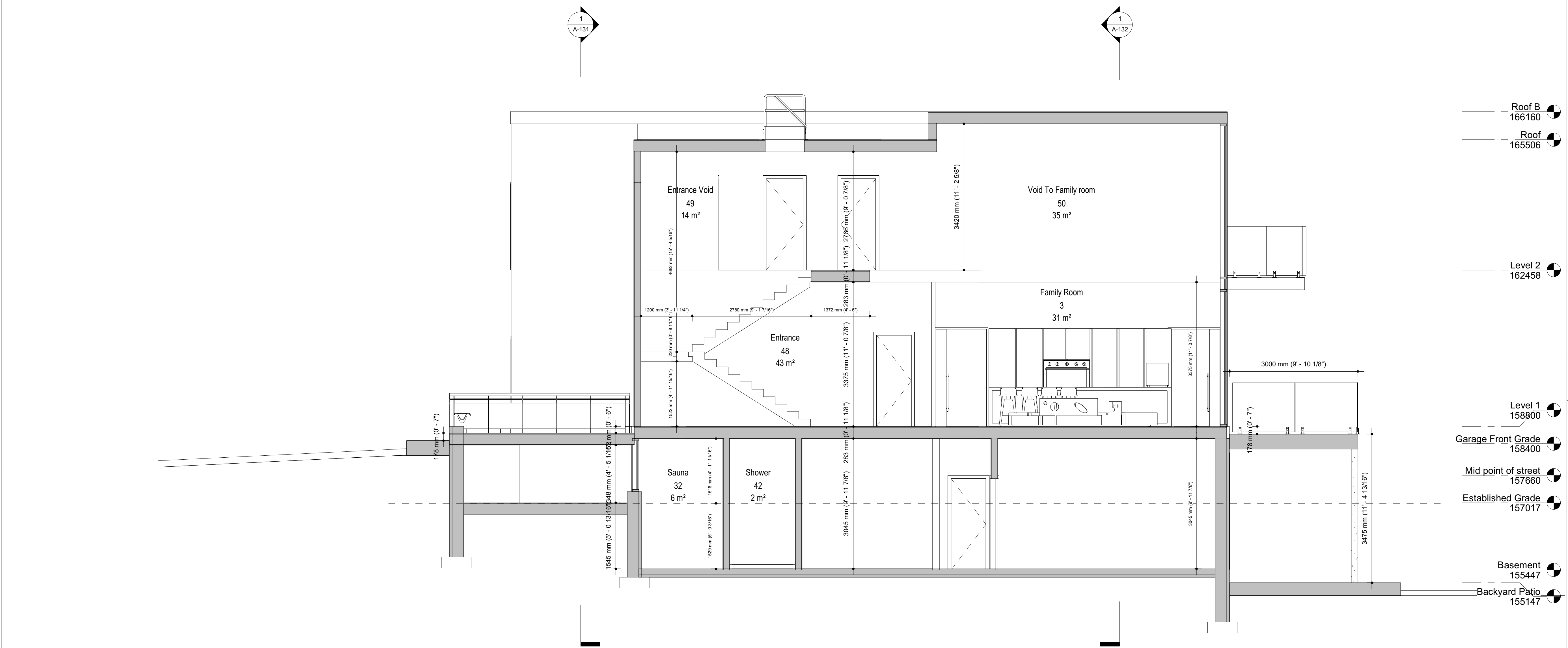
<b>Elsbeth Residence</b>	
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2023-05-10 10:14:04 AM	Project No.: 0043220921
Project Status: Zoning Application	Drawing No.: A-131
Section	
Scale: 1:50	Date: 10/11/20
Drawn By: Author	Checked By: Checker



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No.:      Date:      Revision:

<b>Elsbeth Residence</b>	
ISSUED FOR A-132	
2023-05-10 10:14:06 AM	Project No.: 00432201921
Project Status: Zoning Application	Drawing No.: A-132
Section	
Scale: 1:50	Date: 11/12/22
Drawn By: Author	Checked By: Checker



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No.:      Date:      Revision:

<b>Elspeth Residence</b>	
ISSUED FOR A-133	
2023-05-10 10:14:07 AM	Project No.: 0043220921
Project Status: Zoning Application	Drawing No.: A-133
Scale: 1:50	Date: 11/12/22
Drawn By: Author	Checked By: Checker

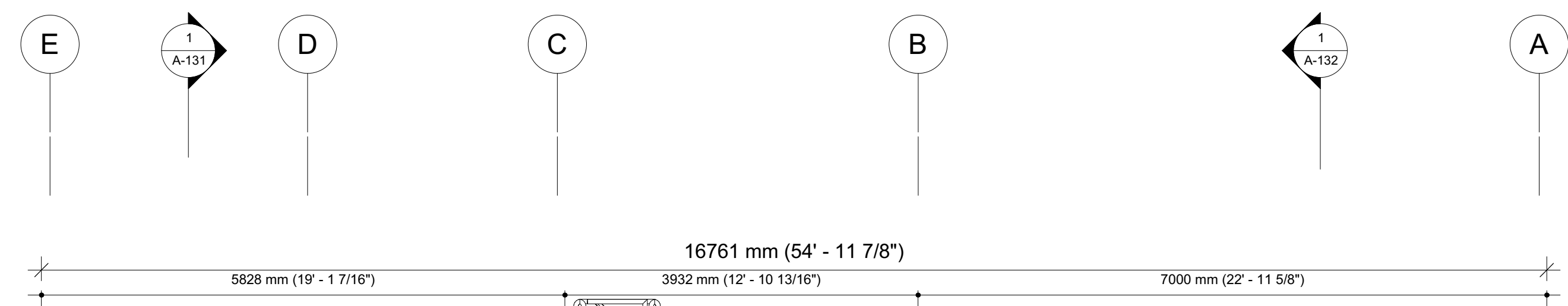


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No.:      Date:      Revision:

<b>Elsbeth Residence</b>	
ISSUED FOR A-134	
2023-05-10 10:14:08 AM	Project No.: 0043201921
Project Status: Zoning Application	Drawing No.: A-134
Scale: 1:50	Date: 11/12/22
Drawn By: Author	Checked By: Checker





- Roof B 166160
- Roof 165506
- Level 2 162458
- Level 1 158800
- Garage Front Grade 158400
- Mid point of street 157660
- Established Grade 157017
- Basement 155447
- Backyard Patio 155147



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No.: Date: Revision:

<b>Elsbeth Residence</b>	
ISSUED FOR A-135	
2023-05-10 10:14:08 AM	Project No.: 0043220921
Project Status: Zoning Application	Drawing No.: A-135
Section	
Scale: 1:50	Date: 11/12/22
Drawn By: Author	Checked By: Checker

## **Appendix “C” – A/47/23 Conditions of Approval**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/047/23**

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the 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; and
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.
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 “D” to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Hussnain Mohammad". The signature is written in a cursive style with a large initial "H".

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Hussnain Mohammad, Planner 1, Zoning and Special Projects

## **Appendix “D” – TRCA Comments**

**From:** [Joshua Lacaria](#)  
**To:** [Mohammad, Hussnain](#)  
**Subject:** CFN 68438.06 - A/047/23 - 4 Elspeth Place, Markham  
**Date:** April 24, 2023 10:44:39 AM  
**Attachments:** [image003.png](#)

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Hi Hussnain,

Thank you for the opportunity to review the first submission of the above-noted Minor Variance Application received by the Toronto and Region Conservation Authority (TRCA) on April 6, 2023. The purpose of this letter is to provide our comments for A/047/23 at 4 Elspeth Place in the City of Markham. These comments will be uploaded to ePlan.

#### **Understanding of the Proposal:**

It is our understanding that the applicant is requesting the following variances from the City of Markham's Zoning By-law to permit:

- i. to permit a maximum building height of 8.5m, whereas the By-law permits a maximum flat roof building height of 8m;
- ii. to permit a maximum floor area ratio of 59.1 percent, whereas the By-law permits a maximum floor area of 50 percent; and,
- iii. to permit a basement window well encroachment of 56"; whereas the By-law permits a maximum encroachment of 18" into the required front yard setback.

We understand that the above Minor Variances will facilitate a two-storey single detached dwelling.

#### **Policy Context:**

##### *TRCA Regulation and Policy:*

The subject property is partially within TRCA's Regulated Area as the property is within a gradual valley slope associated with a tributary of the Don River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

'Development' is defined as:

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

*Please note, in accordance with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include non-mandatory comments outside of our core planning mandate, such as comments pertaining to provincial or municipal natural heritage matters.*

#### **Application Specific Comments**

As stated above, the subject property is within a gradual valley slope. Based on a review of TRCA's screening map, Lidar data, provincial technical guidelines, and the proposed development (two-storey detached dwelling, accessory structures, driveway), TRCA has no concerns regarding the proposed development as it relates to this Minor Variance Application. As the proposed development is within the TRCA's Regulated Area under Ontario Regulation 166/06, as amended, **a permit from TRCA will be required** and through the permitting process, TRCA staff will review and further comment on erosion and sediment control (ESC) plan and grading plan. Accordingly, TRCA has **no objection** to the requested Minor Variances subject to the recommended conditions below.

If additional approvals beyond this Minor Variance Application is required for this property, please circulate the details to TRCA for review.

#### **Application Review Fee**

As per TRCA's role as a commenting agency for *Planning Act* application circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. The submitted application is subject to a review fee in the amount of \$660 (2022 TRCA Planning Fee Schedule – Residential - Minor). This fee can be submitted via Checkfront Online Payment System. I have not copied the Agent/Owner to provide the City of Markham the opportunity to review. Please forward this letter to the Agent/Owner upon completion of review.

#### **Recommendation**

In light of the above, TRCA staff have **no objection** to the approval of the Minor Variance Application A/047/23 subject to the following conditions:

1. That the outstanding review fee in the amount of \$660\* (2022 Planning Fee Schedule – Minor Variance Residential - Minor) be remitted to TRCA.
2. That the applicant obtains a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed works.

Note: As part of the Permit application, TRCA will require the below items submitted to our office by email:

- Complete Permit Application Form [link](#)
- Legal Survey
- Site Plan demonstrating the location and dimension of the proposed works.
- Architectural Drawings
- Grading Plan (please avoid substantial grading and if retaining walls are proposed, please ensure the height of the retaining walls are no greater than 1 metre.)
- Erosion and Sediment Control Plan (ESC) measures around the construction area and tree protection measures for the trees in the rear yard. Please refer to the "*Erosion and Sediment Control Design and Submission Requirements*", available at: [https://s3-ca-central-1.amazonaws.com/trcaca/app/uploads/2020/01/30145157/ESC-Guide-for-Urban-Construction\\_FINAL.pdf](https://s3-ca-central-1.amazonaws.com/trcaca/app/uploads/2020/01/30145157/ESC-Guide-for-Urban-Construction_FINAL.pdf).
- Landscape plan if any planting is proposed as part of the current development. If any planting is proposed, please ensure they are native non-invasive to TRCA's jurisdiction.
- TRCA Permit Review fee of \$995\* (2022 Planning Fee Schedule – Works on Private Residential Property - Standard). An invoice will be emailed upon receipt of a complete permit application.

*\*The above fees are based on our current fee schedule, dated November 2022. Please note that applications are subject to the fee schedule effective at the time of the fee submission.*



I trust these comments are of assistance. Should you have further questions do not hesitate to contact me.

Regards,

**Joshua Lacaria, MES (PI)**  
Planner I - York East Review Area  
Development Planning and Permits | Development and Engineering Services  
Toronto and Region Conservation Authority (TRCA)

T: [\(437\) 880 2347](tel:4378802347)  
E: [joshua.lacaria@trca.ca](mailto:joshua.lacaria@trca.ca)  
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca/101-Exchange-Avenue-Vaughan-ON-L4K5R6) | [trca.ca](https://www.trca.ca)



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**From:** [DoNotReplyMHON@avolvecloud.com](mailto:DoNotReplyMHON@avolvecloud.com) <[DoNotReplyMHON@avolvecloud.com](mailto:DoNotReplyMHON@avolvecloud.com)>  
**Sent:** Thursday, April 6, 2023 10:57 AM  
**To:** York Plan <[yorkplan@trca.ca](mailto:yorkplan@trca.ca)>  
**Subject:** \_EXT\_ TRCA Department Review cycle #1 Assignment for 23.116638.000.00.MNV

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**\_EXT\_ TRCA Department Review cycle #1 Assignment**

**Attention TRCA:**

You have been assigned a task on Project: **23.116638.000.00.MNV**

The due date for this task is: **4/24/2023 10:56:00 AM**

**Task Instructions:**

- Accept your Task immediately.
- Perform your technical review and update the status of your review by selecting:

**Commented** - this means that you are providing comments and expect an applicant response prior to your final acceptance, or

**Accepted** - this mean that you have reviewed the drawings and documents, have no further issues and acknowledge that the application will be recommended for approval/draft approval (depending on application type)

Project:	<b>23.116638.000.00.MNV</b>
Project Name:	<b>A/047/23 - 4 Elspeth Place - as it relates to proposed two storey single detached dwelling</b>
Project Location:	<b>4 Elspeth Pl, Thornhill, ON, L3T 1C4</b>
Task:	<b>Discipline Review</b>
<a href="#">Reviewer ePLAN Login</a>	

If you do not have access to the specified folder, please contact the [Project Administrator](#).

**Please do not reply to this email.**