

Memorandum to the City of Markham Committee of Adjustment

June 11, 2024

File: A/078/23
Address: 83 Elgin St, Thornhill
Applicant: Oxnard Development Inc. (Soheil Khodadadi)
Hearing Date: Wednesday, June 19, 2024

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

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

- a) **By-law 2237, Amending By-law 101-90, Section 1.2 (i):**
a building height of 10.45 metres, whereas the by-law permits a maximum building height of 9.8 metres;
- b) **By-law 2237, Amending By-law 101-90, Section 1.2 (iv):**
a building depth of 31.57 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- c) **By-law 2237, Amending By-law 101-90, Section 1.2 (v):**
a garage projection of 8.58 metres, whereas the by-law permits a maximum garage projection of 2.1 metres;
- d) **By-law 28-97, Section 6.2.4.2 b) i):**
a driveway width of 13.57 metres, whereas the by-law permits a maximum driveway width of 9.82 metres.

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

BACKGROUND

Application History

This application was originally submitted on May 1, 2023. Tree Preservation Staff had identified tree preservation concerns, specifically, the potential injury to trees outside the subject lands during excavation. The application was deferred *sine die* at the May 31, 2023 Committee of Adjustment Hearing to provide an opportunity for the applicant to resolve the identified Tree Preservation issues. (Refer to Appendix "C" – Minutes). Since then, the Applicant has worked with Tree Preservation Staff to address and resolve tree injury concerns. On May 15, 2024, the applicant submitted a revised application, with minor revisions to the requested variances for building depth, garage projection, and driveway width.

Staff further note that since a complete Zoning Preliminary Review and a Minor Variance Application was submitted prior to the passing of the City's Comprehensive Zoning By-Law 2014-19, as amended, the transition clauses under section 1.7.2 and 1.7.3 of the City's Comprehensive Zoning By-Law 2014-19, as amended, exempts the need for the applicant to apply for relief from the new By-law.

Property Description

The 3,870.15 m² (41,657.95 ft²) subject property is located on the south side of Elgin Street, east of Yonge Street and west of Henderson Avenue. The property is located within

an established residential neighbourhood comprised of larger two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing single family detached dwelling on the property, which according to assessment records was constructed in 1993. Mature vegetation exists on the property including three large mature trees in the front yard. It is partially within TRCA's Regulated Area as the rear portion of the site is traversed by a valley corridor associated with the Don River Watershed.

Proposal

The applicant is proposing to construct a two-storey single family detached dwelling, including an attached garage with a total Gross Floor Area of 1,046.16 m² (11,484.88 ft²). The total building depth proposed is 31.57 m (103.58 ft), including an 8.58 m (28.15 ft) garage projection and a 5.00 m (16.40 ft) covered rear deck. The main portion of the dwelling is 18.39 m (58.33 ft). The proposed lot coverage is 487.15 m² (5,243.64 ft²) at 12.58%. (Refer to Appendix "B" – Plans)

Official Plan and Zoning

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

The Official Plan designates the subject property "Residential Low Rise" and "Greenway", which provides for low rise housing forms including single detached dwellings.

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the "Residential Low Rise" designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

The proposed is also subject to the Thornhill Area and Site-Specific policies of the Official Plan. The intent of these policies is to ensure that new dwellings and additions to existing dwellings are limited by their size and massing to respect and reflect the existing pattern and character of adjacent development.

Zoning By-Law 2237, as amended

The subject property is zoned R2 under By-law 2237, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law 101-90

The subject property is 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 total building height, depth and garage projection.

Parking Standards By-law 28-97

The proposed development does not comply with the standard of the Parking By-law 28-97 with respect to driveway width. Further details of the driveway width requirement are provided in the comment section below.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, "the character of the design regarding the configuration of the proposed garage"

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) on April 5, 2023 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on May 15, 2024. However, a Zoning Preliminary Review for the revised drawings has not been conducted. 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 Building Height

The applicant is requesting relief to permit a maximum building height of 10.45 m (34.28 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.65 m (2.13 ft). Building heights in the surrounding area vary, with infill developments trending towards higher heights. Staff are of the opinion that the proposed building height is generally consistent with the low-rise character of the neighborhood including other infill developments, and have no concerns with the variance.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 31.57 m (103.58 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 16.2 m (53.15 ft). Staff note that the updated request is 1.43 m (4.69 ft) less than the original request of 33.00 m (108.27 ft) submitted in 2023.

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 which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance request includes a 5.00 m (16.40 ft) covered rear deck and a 10.16 m (33.33 ft) attached garage which adds approximately 15.16 m (49.73 ft) to the overall depth of the building. The main component of the building, excluding the rear porch and garage, has a depth of 18.39 m (58.33 ft). Given the location of the proposed garage, the significant depth of the lot, and the fact that the main component of the building is generally consistent in depth with adjacent properties, staff are of the opinion that the maximum building depth

will pose no undesirable effects on the surrounding neighborhood. The variance maintains the general intent and purpose of the Zoning By-law and Official Plan.

Increase in Maximum Garage Projection

The applicant is requesting relief to permit a maximum garage projection of 8.58 m (28.15 ft), whereas the By-law permits a maximum garage projection of 2.1 m (6.89 ft). This represents an increase of approximately 6.48 m (21.25 ft). This is a minimal increase of 0.25 m (0.82 ft) over the original request of 8.33 m (27.33 ft) submitted in 2023.

The proposed development maintains a generous front yard setback of 23.57 m (77.33 ft). The attached single-story garage structure is located on the east side of the property, oriented in such a manner that it backs onto a public walkway with heavy foliage, minimizing the visual impact from the street. Staff opine that the revised location of the garage will not adversely impact on neighboring properties and is appropriate for the development of the lands.

Increase in Maximum Driveway Width

The applicant is proposing a maximum driveway width of 13.57 m (44.52 ft), whereas the City's Parking By-law 28-97 permits the driveway width to be 9.82 m (32.22 ft). This is a 0.43 m (1.41 ft) decrease compared to the original variance request of 14 m (45.93 ft).

Staff note that despite the increase in driveway width, adequate soft landscaping remains, as demonstrated by the proposed front yard soft landscaping coverage of 67.62%. Staff are of the opinion that the proposed variance request is minor in nature and due in part to the proposed garage design.

EXTERNAL AGENCIES

TRCA Comments

The subject property is partially located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Don River Watershed. TRCA provided comments on May 24, 2023 (Refer to Appendix "D" – TRCA Comments), indicating that they have no concerns subject to conditions outlined in their letter.

PUBLIC INPUT SUMMARY

As of June 11, 2024, the City received 1 letter expressing concerns over the proposed garage projection. 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. The applicant has submitted plans that further enhance the suitability of the proposed development. 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 "A" for conditions to be attached to any approval of this application.

APPENDICIES


Appendix "A" – A/078/23 Conditions of Approval

Appendix "B" – Drawings

Appendix "C" – Extracted Minutes

Appendix "D" – TRCA Comments

PREPARED BY:



Aaron Chau, Planner I, Planning and Urban Design Department

REVIEWED BY:




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

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/078/23

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix C' 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 his or her satisfaction;
3. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their e-mail to the file planner dated May 24, 2023, 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:



Aaron Chau, Planner I, Planning and Urban Design Department

Appendix B

File: 23.121259.000.00.MNV

Date: 6/11/2024
MM/DD/YY



FRONT ELEVATION

The undersigned has reviewed and takes responsibility for this design, and into the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION	
D. WOOLDRIDGE	24587
NAME	BCIN
SIGNATURE	
REGISTRATION INFORMATION	
D. WOOLDRIDGE INC.	30486
FIRM NAME	BCIN

FRONT ELEVATION

PROPOSED HOME
FOR MR. & MRS. JAFARPOUR
TEL: 416.727.3140

83 ELGIN STREET
PART OF LOT 10, REG. PLAN 8
CITY OF MARKHAM

DAVID WOOLDRIDGE inc.
95 THORNCLIFFE PARK DRIVE - SUITE 3402
TORONTO - ONTARIO - M4H 1L7 - (416) 502-2552

SITE PLAN

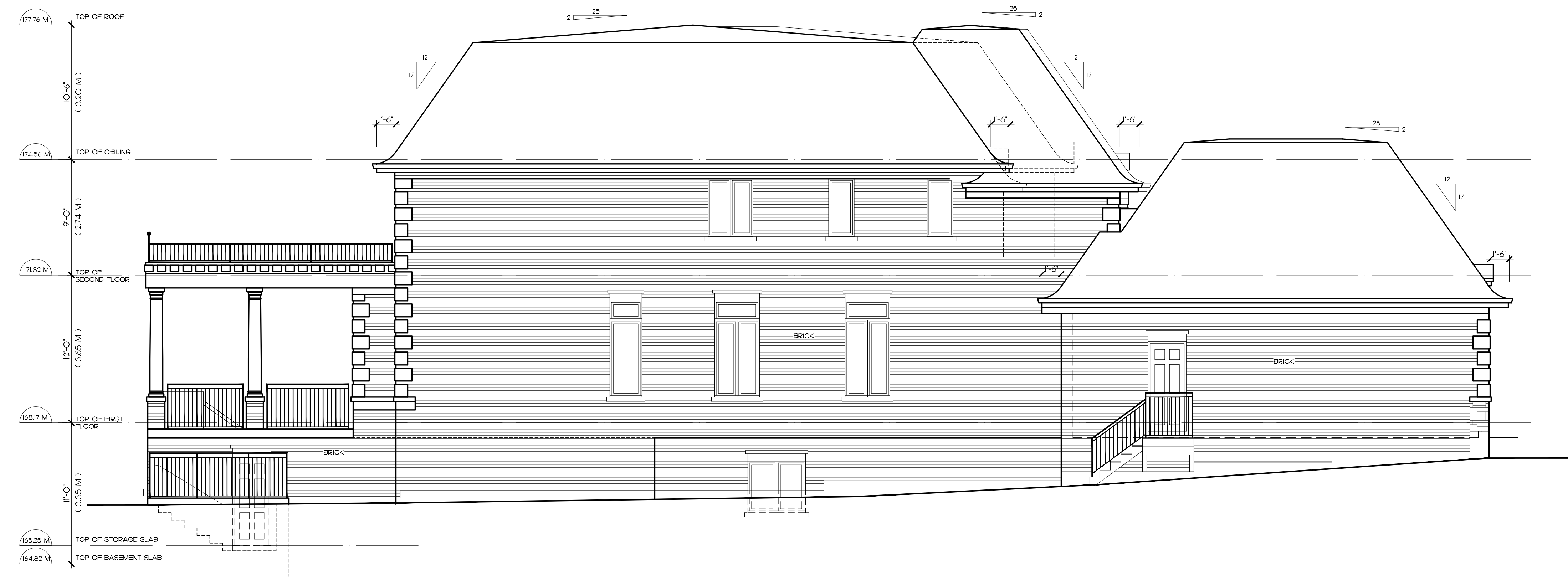
3/16" = 1'-0"

A06

Appendix B

File: 23.121259.000.00.MNV

Date: 6/11/2024
MM/DD/YY



LEFT SIDE ELEVATION

The undersigned has reviewed and takes responsibility for this design, and into the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION

D. WOOLDRIDGE 24587
NAME SIGNATURE BCIN

REGISTRATION INFORMATION

D. WOOLDRIDGE INC. 30486
FIRM NAME BCIN

LEFT SIDE ELEVATION

PROPOSED HOME
FOR MR. & MRS. JAFARPOUR
TEL: 416.727.3140

83 ELGIN STREET
PART OF LOT 10, REG. PLAN 8
CITY OF MARKHAM

DAVID WOOLDRIDGE inc.
95 THORNCLIFFE PARK DRIVE - SUITE 3402
TORONTO - ONTARIO - M4H 1L7 - (416) 502-2552

SITE PLAN

3/16" = 1'-0"

A07

Appendix B

File: 23.121259.000.00.MNV

Date: 6/11/2024
MM/DD/YY



REAR ELEVATION

The undersigned has reviewed and takes responsibility for this design, and into the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	
QUALIFICATION INFORMATION	
D. WOOLDRIDGE	24587
NAME	BCIN
REGISTRATION INFORMATION	
D. WOOLDRIDGE INC.	30486
FIRM NAME	BCIN

REAR ELEVATION

PROPOSED HOME
FOR MR. & MRS. JAFARPOUR
TEL: 416.727.3140

83 ELGIN STREET
PART OF LOT 10, REG. PLAN 8
CITY OF MARKHAM

DAVID WOOLDRIDGE inc.
95 THORNCLIFFE PARK DRIVE - SUITE 3402
TORONTO - ONTARIO - M4H 1L7 - (416) 502-2552

SITE PLAN

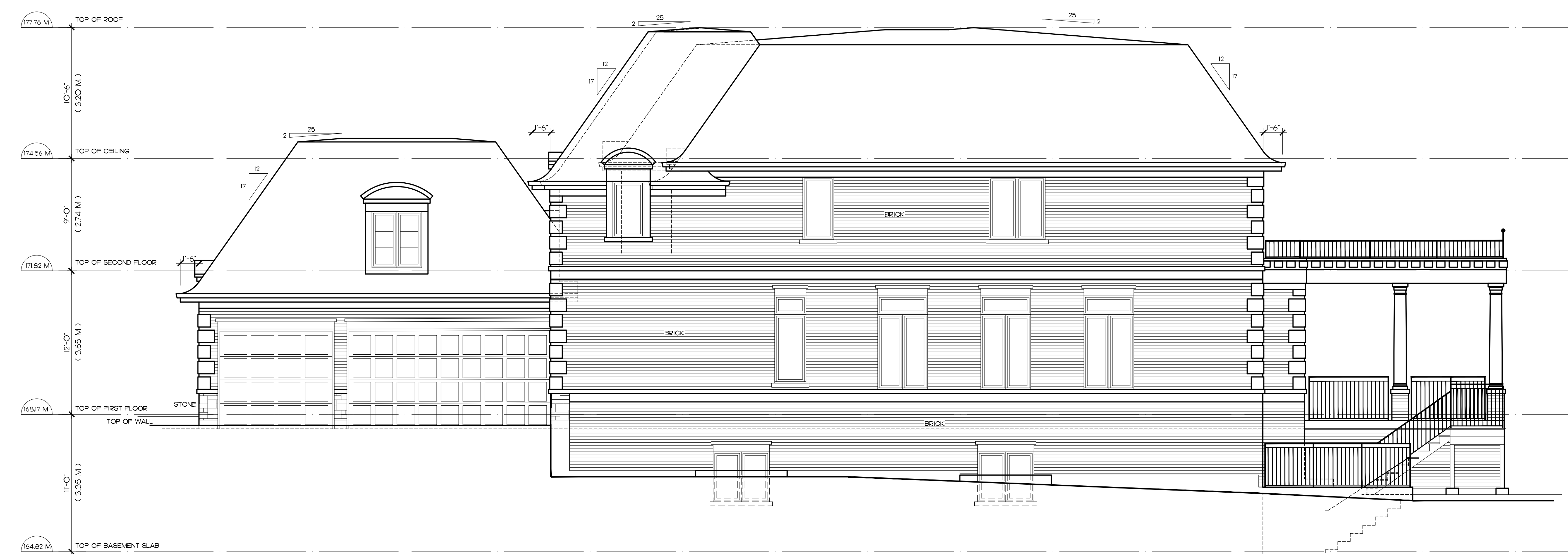
3/16" = 1'-0"

A09

Appendix B

File: 23.121259.000.00.MNV

Date: 6/11/2024
MM/DD/YY



RIGHT SIDE ELEVATION

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION	
D. WOOLDRIDGE	24587
NAME	BCIN
SIGNATURE INFORMATION	
REGISTRATION INFORMATION	
D. WOOLDRIDGE INC.	30486
FIRM NAME	BCIN

RIGHT SIDE ELEVATION

PROPOSED HOME
FOR MR. & MRS. JAFARPOUR
TEL: 416.727.3140

83 ELGIN STREET
PART OF LOT 10, REG. PLAN 8
CITY OF MARKHAM

DAVID WOOLDRIDGE inc.
95 THORNCLIFFE PARK DRIVE - SUITE 3402
TORONTO - ONTARIO - M4H 1L7 - (416) 502-2552

SITE PLAN

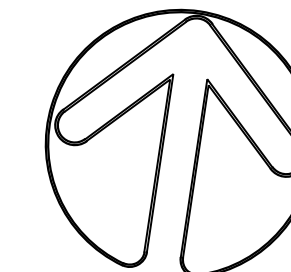
3/16" = 1'-0"

A08

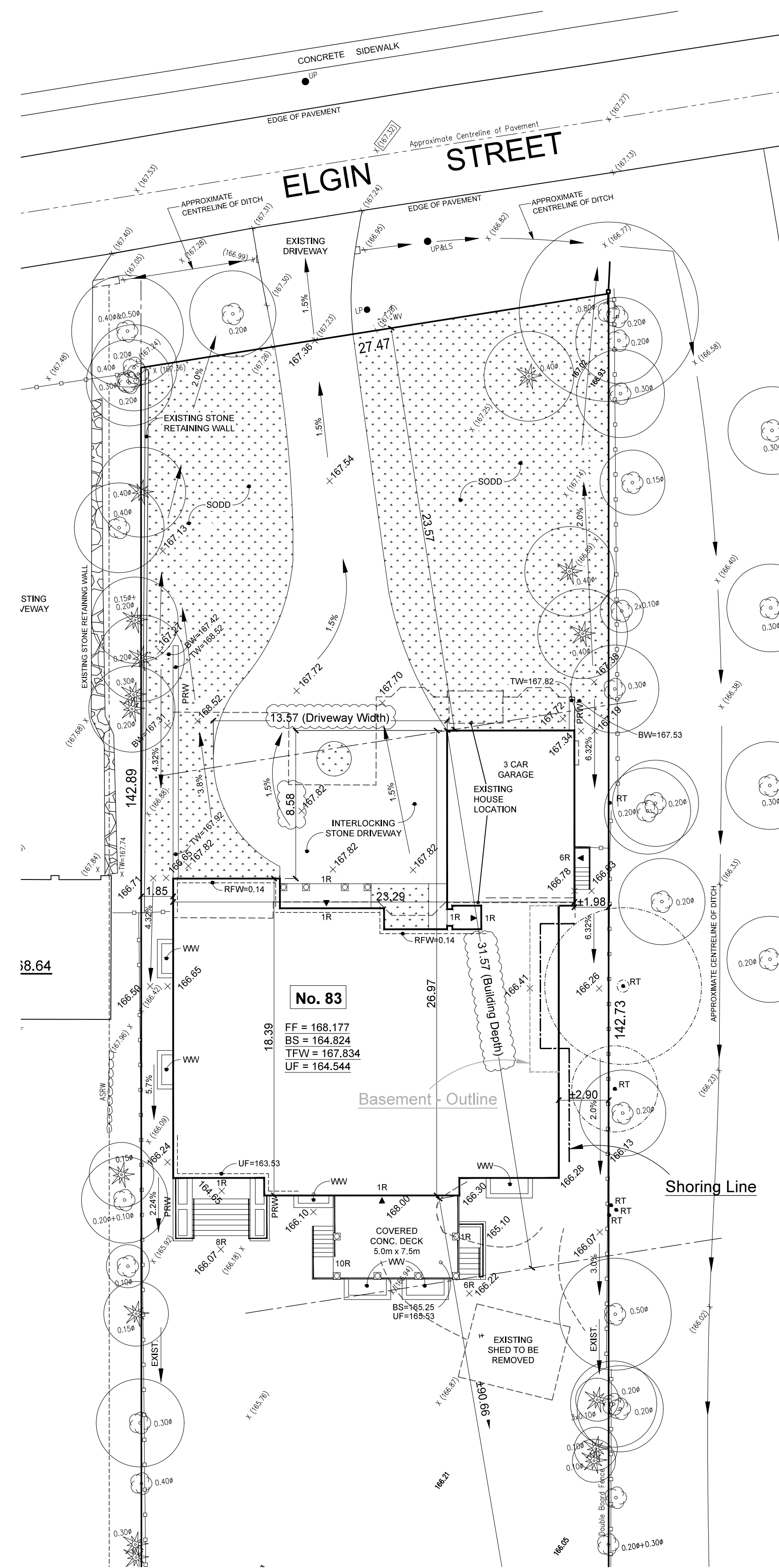
Appendix B

File: 23.121259.000.00.MNV

Date: 6/11/2024
MM/DD/YY



NORTH



LEGEND

- ▼ ENTRY TO HOUSE
- 123.45 PROPOSED ELEVATION
- (123.45) EXISTING ELEVATION
- FF FINISHED FIRST FLOOR ELEVATION
- BS FINISHED BASEMENT ELEVATION
- TFW TOP OF FOUNDATION WALL
- UF UNDERSIDE OF FOOTING
- RFW RAISE FOUNDATION WALL HEIGHT
- PRW PISA RETAINING WALL OR EQUIVALENT
- WO BASEMENT WALK OUT
- PROPOSED SWALE DIRECTION (2% min., 5% max.)
- EXISTING TREE AND DIAMETER OF TRUNK
- FD FLOOR DRAIN
- WW WINDOW WELL
- RAINWATER LEADER
- SUMP PUMP (if required)
- CATCH BASIN
- SEWER CONNECTIONS
- FIRE HYDRANT
- HYDRO POLE
- STREET LIGHT
- HYDRO TRANSFORMER VAULT
- CABLE TV PEDESTAL
- BELL TELEPHONE
- WATER SERVICE
- TW TOP OF WALL
- BW BOTTOM OF WALL
- BERM (3.1 max.)
- FENCING BARRIER TO TOWNS SPECIFICATIONS
- ESTABLISHED GRADE
- HYDRO METER
- GAS METER
- RT REMOVED TREE

SITE NOTES

- LOT AREA ----- = 3,870.15 m²
- MAX. FLOOR AREA RATIO ----- = 50%
- NET LOT AREA ----- = 905.80 + 1/2 (3,870.15 - 905.80) = 2,387.97 m²
- MAX. FLOOR AREA ----- = 1,193.99 m² = 12,852 sf.
- MAX. FLOOR AREA PROPOSED ----- FIRST FLOOR = 364.89 m²
SECOND FLOOR = 336.72 m²
BASEMENT FLOOR = 344.55 m²
TOTAL = 1,046.16 m²
- COVERAGE PROPOSED ----- = 487.15 m² (12.58%)
- COVERAGE ALLOWED ----- = 33 1/3 %
- MAX. HEIGHT ALLOWED ----- = 9.8 + 167.32 = 177.12 m = 8.9 m ABOVE FIRST FLOOR
- MAX. HEIGHT PROPOSED ----- = 10.45 m = 9.60 m ABOVE FIRST FLOOR
- FRONT YARD LANDSCAPING ----- FRONT YARD AREA = 795.70 m²
DRIVEWAY AREA = 257.63 m²
SOD AREA = 538.07 m²
= (538.07 + 795.70) X 100 = 67.62%
- ACCESSORY STRUCTURES (2) ----- 8.62 m²
- SURVEY INFORMATION TAKEN FROM SURVEY PREPARED BY:
PEARSON SURVEYING INC.
(289) 553-5453
SEPT. 19, 2022
- TREE SHAPES SHOWN ARE THE REQUIRED TREE PROTECTION ZONE

PROPOSED HOME
FOR MR. & MRS. JAFARPOUR
TEL: 416.727.3140

83 ELGIN STREET
PART OF LOT 10, REG. PLAN 5
CITY OF MARKHAM

DAVID WOOLDRIDGE inc.
95 THORNCLIFFE PARK DRIVE - SUITE 3402
TORONTO - ONTARIO - M3H 1L7 - (416) 502-2552

SITE PLAN

A01

SCALE = 1:200

SURVEYOR'S REAL PROPERTY REPORT—PART 1
PLAN OF SURVEY OF
PART OF LOT 10
REGISTERED PLAN 8
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

Appendix B

File: **23.121259.000.00.MNV**

Date: **6/11/2024**

MM/DD/YY

Bearing Note
 BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHERLY
 LIMIT OF ELM STREET SHOWN ON PLAN 65R-36589 AS HAVING A
 BEARING OF N72°50'15"E.

Benchmark
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO A CITY OF
 MARKHAM BENCHMARK. THE BENCHMARK IS IDENTIFIED BY THE
 BENCHMARK : M-01-029 ELEVATION=166.741m

Note
 TREE CALIPERS ARE NOT TO ARBORIST STANDARDS AND FOR ARBORIST
 CALIPER REFER TO ARBORIST REPORT.

Legend

■	DENOTES	SURVEY MONUMENT FOUND
SB	DENOTES	STANDARD IRON BAR
SSB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
PB	DENOTES	PLASTIC BAR
WIT	DENOTES	WITNESS
OU	DENOTES	ORIGIN UNKNOWN
S	DENOTES	SET
M	DENOTES	MEASURED
N/S/E/W	DENOTES	NORTH/SOUTH/EAST/WEST
P	DENOTES	PLAN 65R-28675
P1	DENOTES	PLAN 65R-16105
P2	DENOTES	SURVEYOR'S REAL PROPERTY REPORT BY GREATER TORONTO ARCES SURVEYING INC., O.L.S., DATED JANUARY 30, 2017, PLAN 65R-37335
P3	DENOTES	PLAN 65R-33962
P4	DENOTES	ROMAN-STANOU LTD., O.L.S.
RS	DENOTES	SPEIGHT VAN NOSTRAND & GIBSON, O.L.S.
G	DENOTES	DAVID HORSWOOD LIMITED, O.L.S.
GH	DENOTES	LLOYD & PURCELL, O.L.S.
L&P	DENOTES	YATES & YATES LTD., O.L.S.
Y	DENOTES	C. W. GIBSON, O.L.S.
62B	DENOTES	B. K. EDWARDS, O.L.S.
1042	DENOTES	GREATER TORONTO ARCES SURVEYING INC., O.L.S.
1902	DENOTES	DOUBLE BOARD FENCE
DBF	DENOTES	IRON FENCE
IF	DENOTES	BOARD FENCE
BF	DENOTES	CHAIN LINK FENCE
CLF	DENOTES	TIES TO BRICK
ST	DENOTES	TIES TO STONE
BR	DENOTES	STONE RETAINING WALL
SRW	DENOTES	ARMOUR STONE RETAINING WALL
ASRW	DENOTES	TOP OF WALL ELEVATION
TW	DENOTES	OVERHEAD WIRES
OWH	DENOTES	UTILITY POLE
UP	DENOTES	LIGHT STANDARD
LS	DENOTES	QUY WIRE
QW	DENOTES	MANHOLE
MH	DENOTES	FIRE HYDRANT
FH	DENOTES	WATER VALVE
WV	DENOTES	LAMP POST
LP	DENOTES	DIAMETER (ROUND)
D	DENOTES	DOOR SILL ELEVATION
DS	DENOTES	INVERT
IWV	DENOTES	DIRECTION OF WATER FLOW
W	DENOTES	DECIDUOUS TREE WITH TRUNK DIAMETER
WT	DENOTES	CONIFEROUS TREE WITH TRUNK DIAMETER

Underground Services
 THE LOCATION OF UNDERGROUND SERVICES SHOWN ON THIS PLAN IS
 ONLY APPROXIMATE AND IS FOR PLANNING AND DESIGN PURPOSES
 ONLY. THIS INFORMATION MUST NOT BE ASSUMED TO BE COMPLETE OR
 UP-TO-DATE. THE UNDERSIGNED COMPANY AND EACH UTILITY
 ACCEPTS NO RESPONSIBILITY FOR ANY CLAIMS OR LOSSES DUE TO
 IMPROPER USE OF THE INFORMATION SHOWN HEREON AND EACH
 UTILITY MUST BE CONTACTED FOR AN ON-SITE LOCATE PRIOR TO ANY
 EXCAVATION.

Revision Note
 PLAN UPDATED ON SEPTEMBER 13, 2023 TO SHOW UPDATED TREE DIAMETER.

Surveyor's Certificate
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS
 MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 19TH DAY OF SEPTEMBER, 2022.

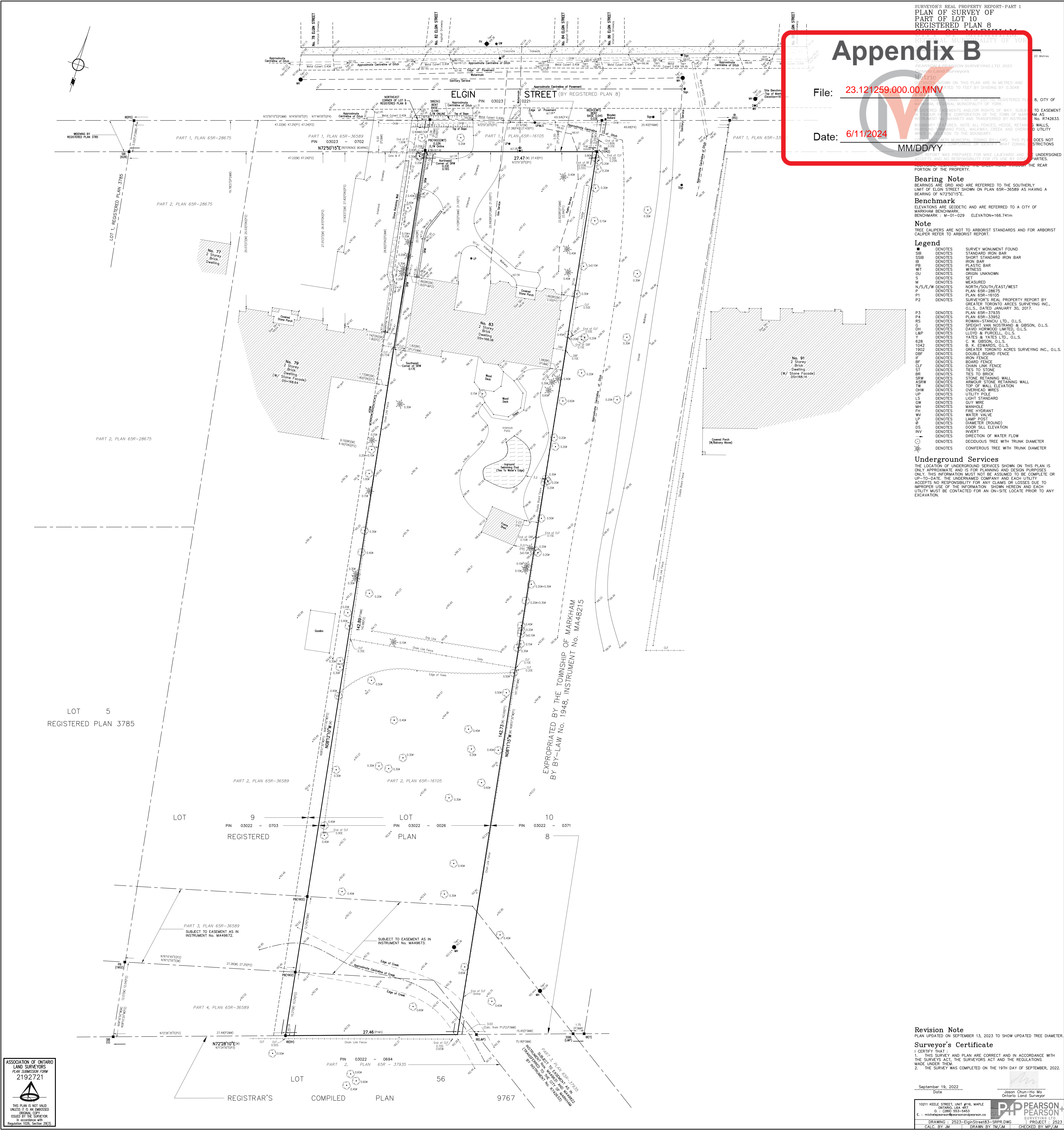
September 19, 2022
 Date
 Jason Chun-Ho Mo
 Ontario Land Surveyor

10211 KEELE STREET, UNIT #16, MAPLE
 ONTARIO, L6A 4B7
 P: (416) 553-9443
 E: mich@pearson-surveying.com

PEARSON-PEARSON SURVEYING LTD.
 DRAWING: 2523-ElginStreet83-SRPR.DWG PROJECT: 2523
 CALC. BY: JM DRAWN BY: TM/JM CHECKED BY: MP/JM

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 2192721

THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMPLOYED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR.
 IN ACCORDANCE WITH
 REGULATION 1026, SECTION 29(3)

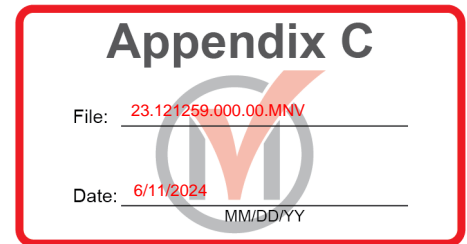


EXPROPRIATED BY THE TOWNSHIP OF MARKHAM
 BY BY-LAW NO. 1948, INSTRUMENT NO. MA48215

LOT 5
 REGISTERED PLAN 3785

LOT 9 REGISTERED PLAN 03022 - 0703
 LOT 10 REGISTERED PLAN 03022 - 0026
 LOT 8 REGISTERED PLAN 03022 - 0371

REGISTRAR'S COMPILED PLAN 9767



REQUESTS FOR DEFERRAL

1. A/078/23

Owner Name: Jeff Jafarpour
Agent Name: Oxnard Development Inc.
Property Address: 83 Elgin Street, Thornhill
Legal Description: PLAN 8 PT LOT 10 RS65R16105 PART 2

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

- a) **Amending By-law 101-90, Section 1.2 (i):**
a building height of 10.45 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Amending By-law 101-90, Section 1.2 (iv):**
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- d) **By-law 28-97, Section 6.2.4.2 b) i):**
a driveway width of 14.0 metres, whereas the By-law permits a maximum driveway width of 9.82 metres.

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

The Chair introduced the application.

Member Gutfreund motioned for deferral.

Moved By: Tom Gutfreund
Seconded By: Patrick Sampson

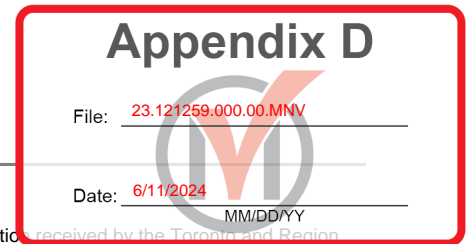
THAT Application No. **A/078/23** be **deferred** sine die.

Resolution Carried

PREVIOUS BUSINESS

1. A/032/23

From: [Joshua Lacaria](mailto:Joshua.Lacaria)
To: ["achau@markham.ca"](mailto:jachau@markham.ca)
Subject: CFN 68438.10 - A/078/23 - 83 Elgin Street, Markham
Date: May 24, 2023 1:27:38 PM
Attachments: [image002.png](#)



Hi Aaron,

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 May 8, 2023. The purpose of this letter is to provide our comments for A/078/23 at 83 Elgin Street 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 building height of 10.45 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- ii. to permit a building depth of 33.0 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- iii. to permit a garage projection of 8.33 metres, whereas the By-law permits a maximum garage projection of 2.1 metres; and,
- iv. to permit a driveway width of 14.0 metres, whereas the By-law permits a maximum driveway width of 9.82 metres.

We understand that the above Minor Variances will facilitate a two-storey single detached dwelling and driveway. The subject property is located east of Yonge Street and south of John Street in the City of Markham.

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 and Regulatory flood plain 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, driveway), TRCA has no concerns regarding the proposed development as it relates to this Minor Variance Application. The proposed development appears to be outside and setback from the Top of Slope of the gradual valley. However, as the proposed development is within 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 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/078/23 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](#)
- Topographic Survey
- Site Plan demonstrating the location and dimension of the proposed works.
- Architectural Drawings
- Grading Plan (please avoid substantial grading within the TRCA Regulation Limit. Please note that TRCA do not support any retaining wall within the natural hazard)
- 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 [here](#).
- 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. For native species within TRCA jurisdiction, please see species ranked L1 to L5 [here](#).
- TRCA Permit Review fee of \$535* (2022 Planning Fee Schedule – Works on Private Residential Property - Minor). 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 Lalaria, MES (PI)

Planner I - York East Review Area
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority (TRCA)

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From: DoNotReplyMHON@avolvecloud.com <DoNotReplyMHON@avolvecloud.com>
Sent: Monday, May 8, 2023 1:04 PM
To: York Plan <yorkplan@trca.ca>
Subject: _EXT_ TRCA Department Review cycle #1 Assignment for 23.121259.000.00.MNV

EXT TRCA Department Review cycle #1 Assignment

Attention TRCA:

You have been assigned a task on Project: **23.121259.000.00.MNV**

The due date for this task is: **5/23/2023 1:03:00 PM**

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:	23.121259.000.00.MNV
Project Name:	A/078/23 - 83 Elgin Street - as it relates to a proposed two storey single detached dwelling
Project Location:	83 Elgin St, Thornhill, ON, L3T 1W7
Task:	Discipline Review
Reviewer ePLAN Login	

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

Please do not reply to this email.