

Memorandum to the City of Markham Committee of Adjustment

January 7, 2021

File: A/041/20
Address: 35 Bakerdale Rd – Markham, ON
Applicant: Yaqing Yu
Agent: OBP Consultants Inc.
Hearing Date: January 20, 2021

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

The applicant is requesting relief from the following requirements of the “Residential One (R1)” zone under By-law 1229, as amended. The applicant is requesting the following variance to permit:

a) Infill By-law 99-90, Section 1.2(vi):

a maximum floor area ratio of 49.98%, whereas the By-law permits a maximum floor area ratio of 45.0%; and

BACKGROUND

Property Description

The 717.30 m² (7,721.0 ft²) subject property is located on the south side of Bakerdale Road, north of the Milne Dam Conservation Park, east of McCowan Road, and west of Grandview Boulevard. There is an existing one-storey single detached dwelling on the property. Mature trees exist throughout the property as shown in the Tree Inventory and Protection Plan attached as Appendix “C”. The southwest corner of the property is partially within the Toronto Region and Conservation Authority’s (TRCA) Regulated Area (Appendix “D”). The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

Proposal

The applicant is proposing to demolish the existing dwelling, and to construct a two-storey detached dwelling. The proposed dwelling would have a ground floor area of 168.06 m² (1,809.0 ft²) including the garage area, and a second floor area of 164.44 m² (1,770.0 ft²) for a total gross floor area of 332.50 m² (3,579.0 ft²).

Official Plan and Zoning

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

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned “Residential One (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 99-90

The subject property is also subject to Infill By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to maximum floor area ratio, and maximum building height.

Zoning Preliminary Review (ZPR) Undertaken

Pre-Hearing

The applicant submitted an incomplete ZPR which confirmed some of the variances required for the proposed development. It was incomplete because it did not show the building height measured from the “crown of road” as required by the By-law. Zoning staff were therefore unable to confirm any non-compliance with respect to the permitted building height. Planning staff also had concerns with the proposed floor area ratio proposed with the original application submission, which requested the following variances:

- a maximum height of 10.21 m (33.50 ft);
- a maximum floor area ratio of 64.75%;
- a maximum lot coverage of 36.80%;
- a minimum front yard of 6.68 m (21.92 ft); and
- uncovered stairs to project a maximum of 1.12 m (44 in) into the required front yard.

Initial Hearing: October 21, 2020

In response to staff concerns, the applicant revised their proposal, and requested the following variances that were considered at the October 21, 2020 hearing:

- a maximum building height of 10.12 m (33.20 ft); and
- a maximum floor area ratio of 49.70%.

This application was deferred as the proposed gross floor area ratio was calculated incorrectly, as stated in the staff report dated October 16, 2020 (Appendix “E”).

Revised Application

The applicant has further revised the proposal and is now requesting a variance to permit:

- a maximum floor area ratio of 49.98%.

A subsequent ZPR has not been conducted for the current proposal. Consequently, it is the applicant’s responsibility to ensure that the application has accurately identified all of the variances to the By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified 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 (“the Committee”):

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

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a maximum floor area ratio of 49.98%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a maximum floor area of 332.50 m² (3,579.0 ft²), whereas the By-law permits a dwelling with a maximum floor area of 299.35 m² (3,222.18 ft²). This is an increase of approximately 33.15 m² (356.82 ft²).

Staff are of the opinion that the proposed increase in floor area would result in a dwelling that is generally in keeping with the intended scale of residential development for the neighbourhood and do not object to the requested variance.

Tree Protection & Compensation

The applicant’s submitted Tree Inventory and Protection Plan (Appendix “C”) in support of the application shows a total of ten trees on the subject property and one in the municipal boulevard. The applicant is proposing to protect seven trees, including the City-owned tree, while proposing to remove four trees from the subject property to accommodate the proposed development. Staff do not anticipate that trees on adjacent properties will be impacted.

Urban Forestry staff have reviewed the plans, and have no objections to the proposed Tree Protection Plan, subject to adoption of the recommended conditions which may require the applicant to provide appropriate compensation for removal, and protection of trees prior to any redevelopment occurring (Appendix “A”).

TRCA Comments

The subject property is partially located within TRCA’s Regulated Area, as it is adjacent to a stream and, or valley corridor and regulatory storm floodplain known as Milne Creek which is associated with the Rouge River Watershed. The TRCA has confirmed that their most recent comments dated October 6, 2020 (Appendix “D”) remain applicable to the revised application. The TRCA indicates that the proposed development is within the TRCA Regulated Area, and therefore the applicant is required to submit a variance application review fee, and to obtain a conservation permit for the proposed works. Staff recommend that the related condition provided in Appendix “A” be adopted by the Committee in the event of an approval decision.

The TRCA does not have any major concerns with the minor variance application. However, further documentation will be required in support of the TRCA permit application to detail the extent of the proposed development and to ensure that any impacts to

features within the Natural System are avoided, minimized, and/or mitigated as deemed necessary by the TRCA. The TRCA recommends the planting of native trees/shrubs in the rear yard of the property as a means of offsetting the removal of individual trees and the proposed increase in impervious surfaces.

PUBLIC INPUT SUMMARY

One written submission was received as of January 7, 2021 which objects to the proposed development, citing concern with the size of the development and the walk-up stairs, and privacy as it relates to the second floor balcony.

Staff note that the By-law does not regulate against or prohibit walk-up stairs, or second floor balconies. It is further noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and are of the opinion that the variance request meets the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

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

Please see Appendix "A" for the conditions of approval recommended by City staff.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Tree Inventory and Protection Plan

Appendix "D" – TRCA Comments: October 6, 2020

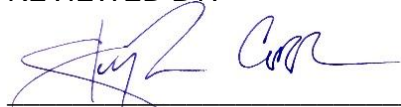
Appendix "E" – Staff Report: October 16, 2020

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/20

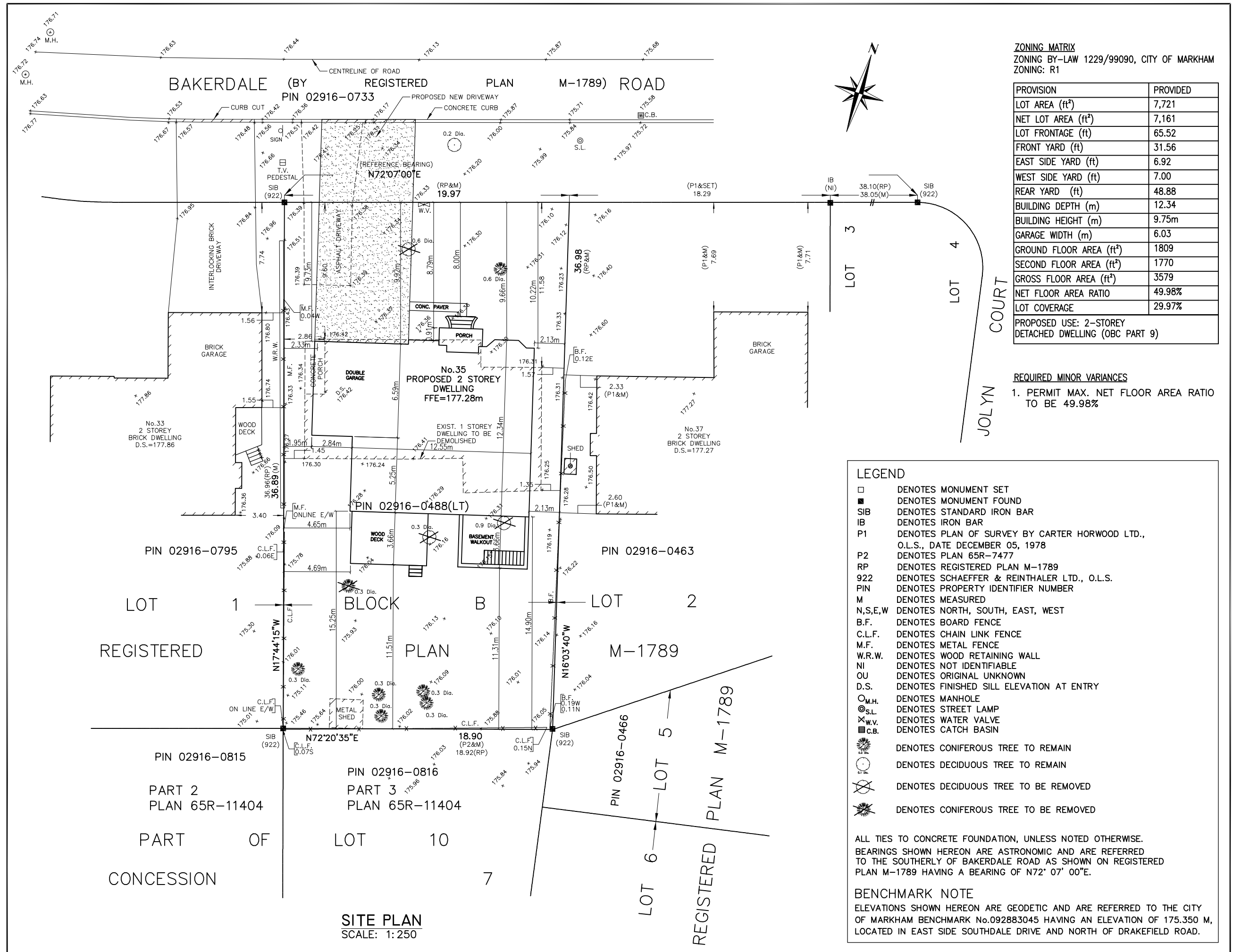
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan prepared by a qualified arborist be updated to reflect the revised batch stamped plans attached as Appendix “B”, in accordance with the City’s Streetscape Manual (2009), as amended, and to be reviewed and approved by the Director of Operations or designate, 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 tree replacements be provided or tree replacement fees be paid to the City, if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site as deemed necessary by the Director of Operations or designate, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Operations or designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.
6. That the applicant satisfies the requirements of the Toronto Region and Conservation Authority (TRCA), financial or otherwise, including the planting of Native Trees in the rear yard, 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 his or her satisfaction.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/20



ZONING MATRIX
 ZONING BY-LAW 1229/99090, CITY OF MARKHAM
 ZONING: R1

| PROVISION | PROVIDED |
|--|----------|
| LOT AREA (ft ²) | 7,721 |
| NET LOT AREA (ft ²) | 7,161 |
| LOT FRONTAGE (ft) | 65.52 |
| FRONT YARD (ft) | 31.56 |
| EAST SIDE YARD (ft) | 6.92 |
| WEST SIDE YARD (ft) | 7.00 |
| REAR YARD (ft) | 48.88 |
| BUILDING DEPTH (m) | 12.34 |
| BUILDING HEIGHT (m) | 9.75m |
| GARAGE WIDTH (m) | 6.03 |
| GROUND FLOOR AREA (ft ²) | 1809 |
| SECOND FLOOR AREA (ft ²) | 1770 |
| GROSS FLOOR AREA (ft ²) | 3579 |
| NET FLOOR AREA RATIO | 49.98% |
| LOT COVERAGE | 29.97% |
| PROPOSED USE: 2-STORY DETACHED DWELLING (OBC PART 9) | |

REQUIRED MINOR VARIANCES
 1. PERMIT MAX. NET FLOOR AREA RATIO TO BE 49.98%

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- P1 DENOTES PLAN OF SURVEY BY CARTER HORWOOD LTD., O.L.S., DATE DECEMBER 05, 1978
- P2 DENOTES PLAN 65R-7477
- RP DENOTES REGISTERED PLAN M-1789
- 922 DENOTES SCHAEFFER & REINTHALER LTD., O.L.S.
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- M DENOTES MEASURED
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- C.L.F. DENOTES CHAIN LINK FENCE
- M.F. DENOTES METAL FENCE
- W.R.W. DENOTES WOOD RETAINING WALL
- NI DENOTES NOT IDENTIFIABLE
- OU DENOTES ORIGINAL UNKNOWN
- D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
- ⊙ M.H. DENOTES MANHOLE
- ⊙ S.L. DENOTES STREET LAMP
- ⊗ W.V. DENOTES WATER VALVE
- C.B. DENOTES CATCH BASIN
- 🌲 DENOTES CONIFEROUS TREE TO REMAIN
- 🌳 DENOTES DECIDUOUS TREE TO REMAIN
- 🌳 DENOTES DECIDUOUS TREE TO BE REMOVED
- 🌲 DENOTES CONIFEROUS TREE TO BE REMOVED

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.
 BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY OF BAKERDALE ROAD AS SHOWN ON REGISTERED PLAN M-1789 HAVING A BEARING OF N72° 07' 00"E.

BENCHMARK NOTE
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092883045 HAVING AN ELEVATION OF 175.350 M, LOCATED IN EAST SIDE SOUTHDALE DRIVE AND NORTH OF DRAKEFIELD ROAD.

Appendix B

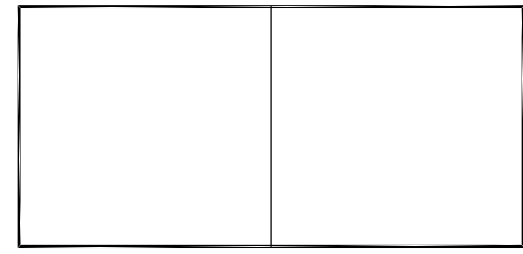
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Date: 01/13/21

MM/DD/YY

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| 06 | 2020/11/06 | REVISED FOR COA |
| 01 | 2020/01/06 | ISSUED FOR ZPR |
| REV. | DATE | ISSUED FOR |

OBP CONSULTANTS INC.
 2 LONGEVITY ROAD
 BRAMPTON, ONTARIO L6X 5P4
 PHONE: (905)230-7338

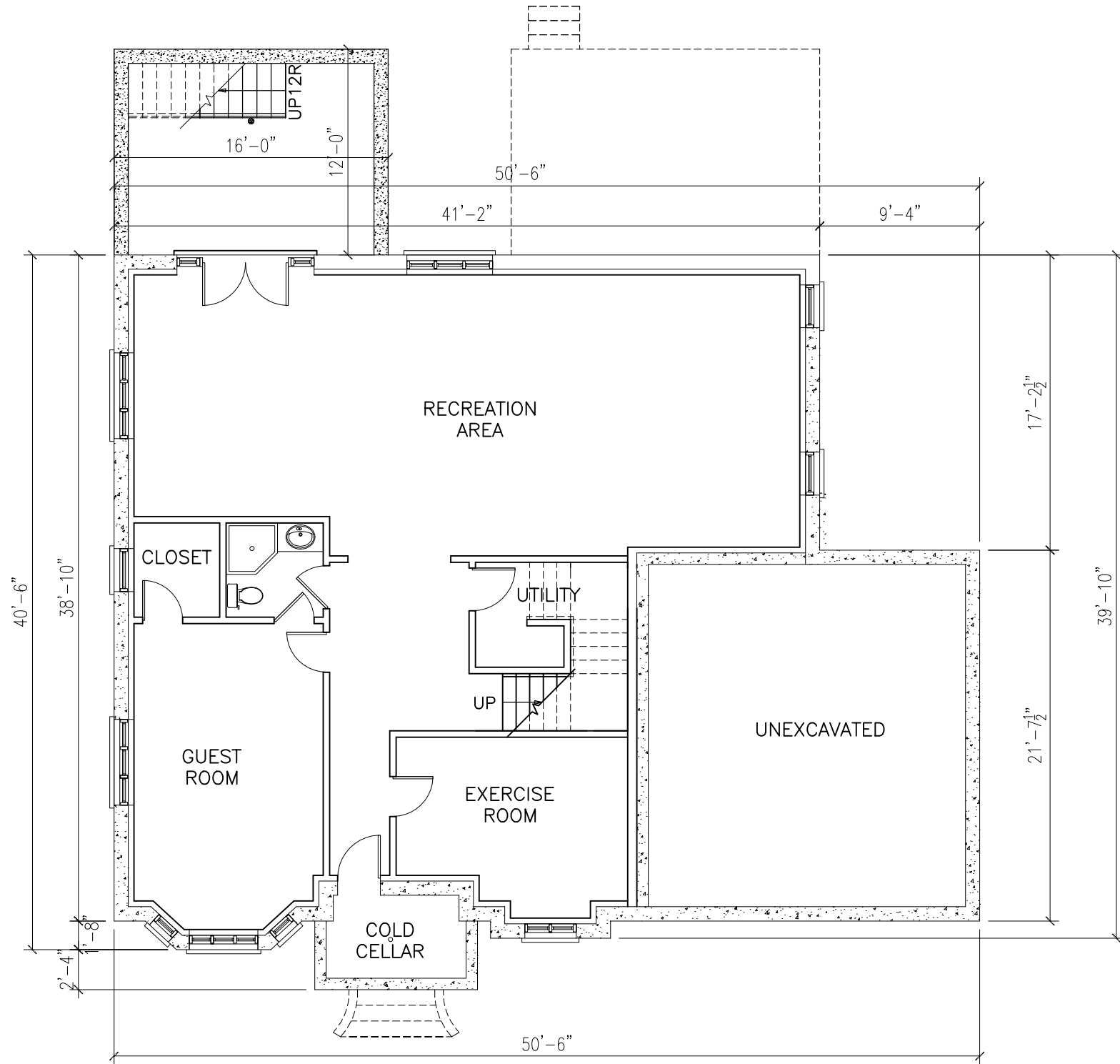


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|---|-------------------------|
| PROJECT: PROPOSED TWO STOREY DETACHED DWELLING | |
| LOCATION: 35 BAKERDALE ROAD MARKHAM, ON L3P 1J3 | |
| DRAWING: SITE PLAN | |
| SCALE: AS SHOWN | DRAWING NO. A1.2 |
| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |

Appendix B

File: 20.110268.000.00.MNV

Date: 01/13/21
MM/DD/YY



BASEMENT FLOOR PLAN
SCALE: 1/8"=1'

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PHONE: (905)230-7338

PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

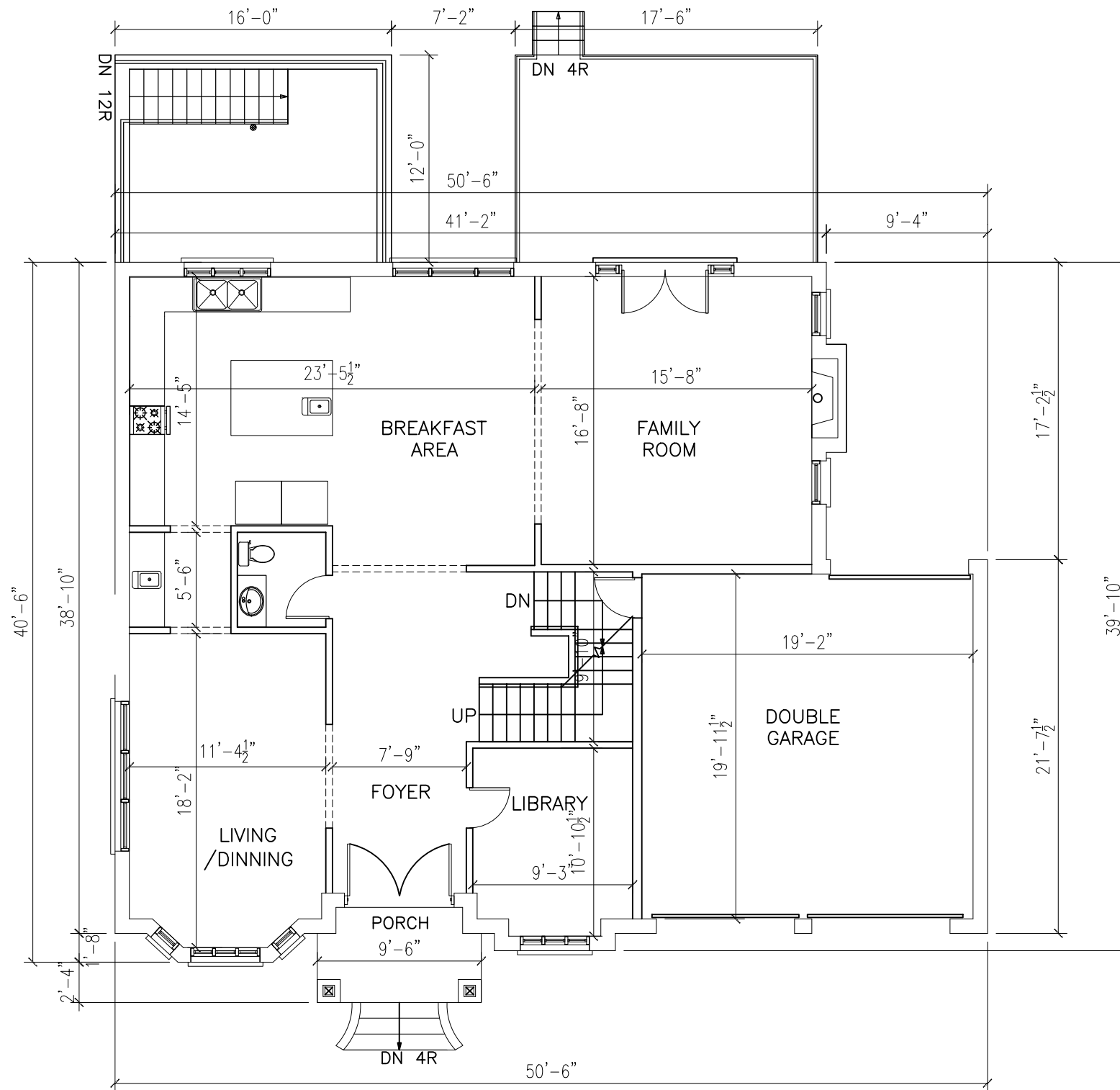
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BASEMENT FLOOR PLAN

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| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |

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Date: 01/13/21
MM/DD/YY



GROUND FLOOR PLAN
SCALE: 1/8"=1'

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| REV. | DATE | ISSUED FOR |

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BRAMPTON, ONTARIO L6X 5P4
PHONE: (905)230-7338

PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

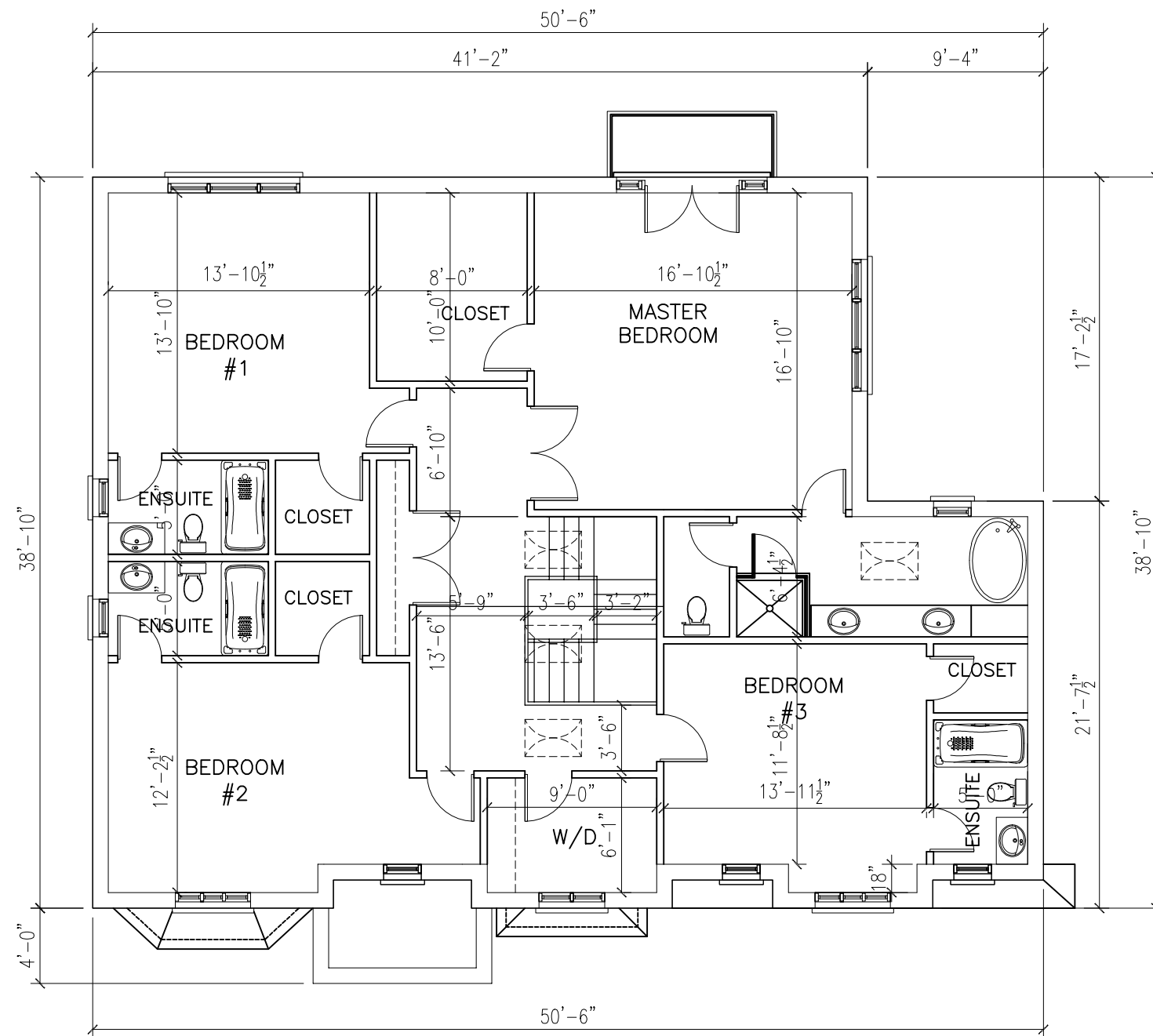
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GROUND FLOOR PLAN

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| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |

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SECOND FLOOR PLAN
SCALE: 1/8"=1'

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| REV. | DATE | ISSUED FOR |

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PHONE: (905)230-7338

PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

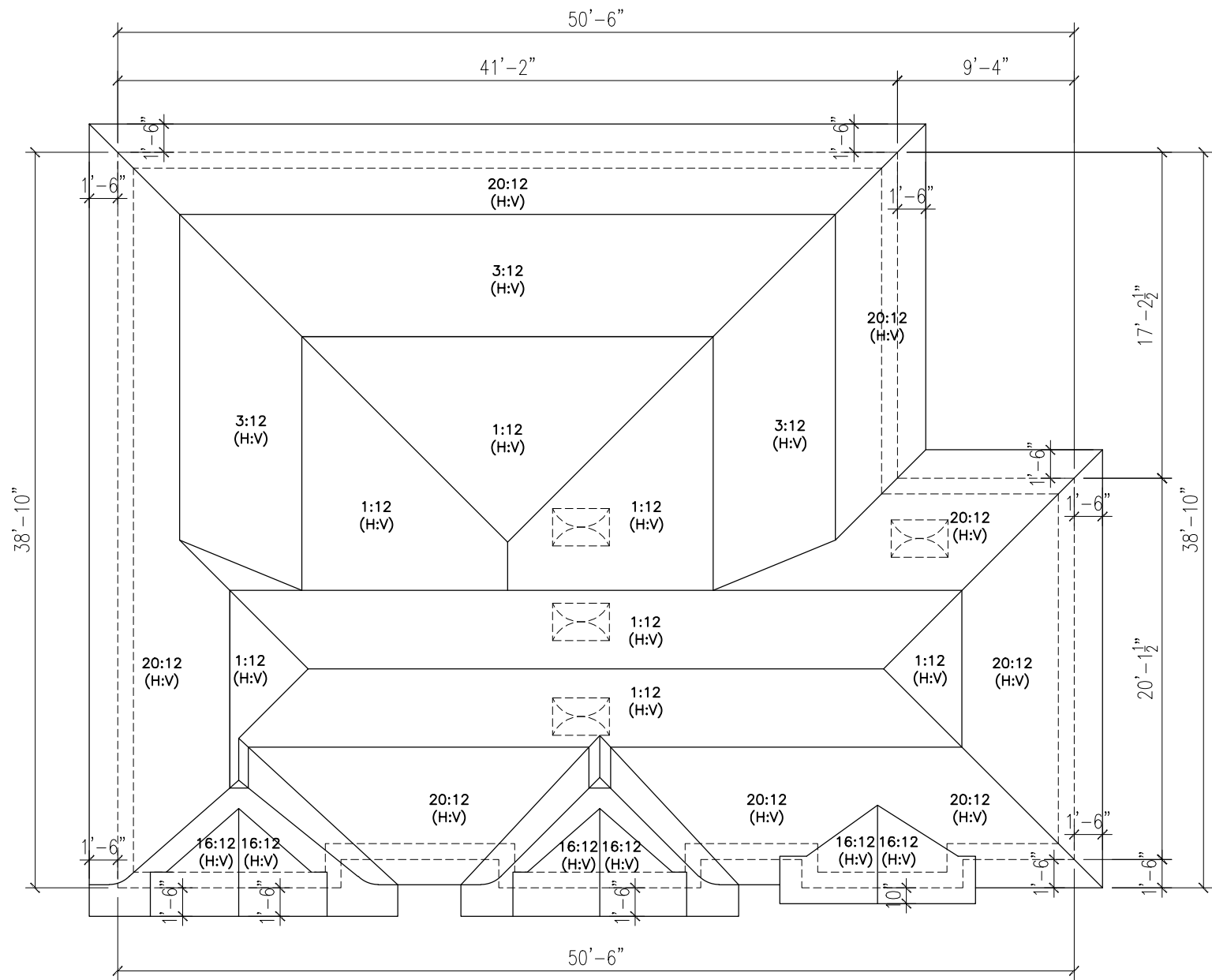
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SECOND FLOOR PLAN

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| DRN: H.X. | |
| CHK: H.X. | |

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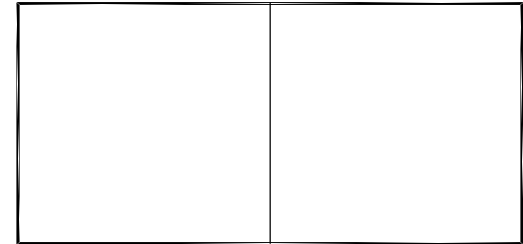
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ROOF PLAN
SCALE: 1/8"=1'

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PHONE: (905)230-7338



PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

DRAWING:
ROOF PLAN

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| SCALE: AS SHOWN | DRAWING NO. A2.4 |
| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |

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Date: 01/13/21
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FRONT ELEVATION
SCALE: 1/8"=1'

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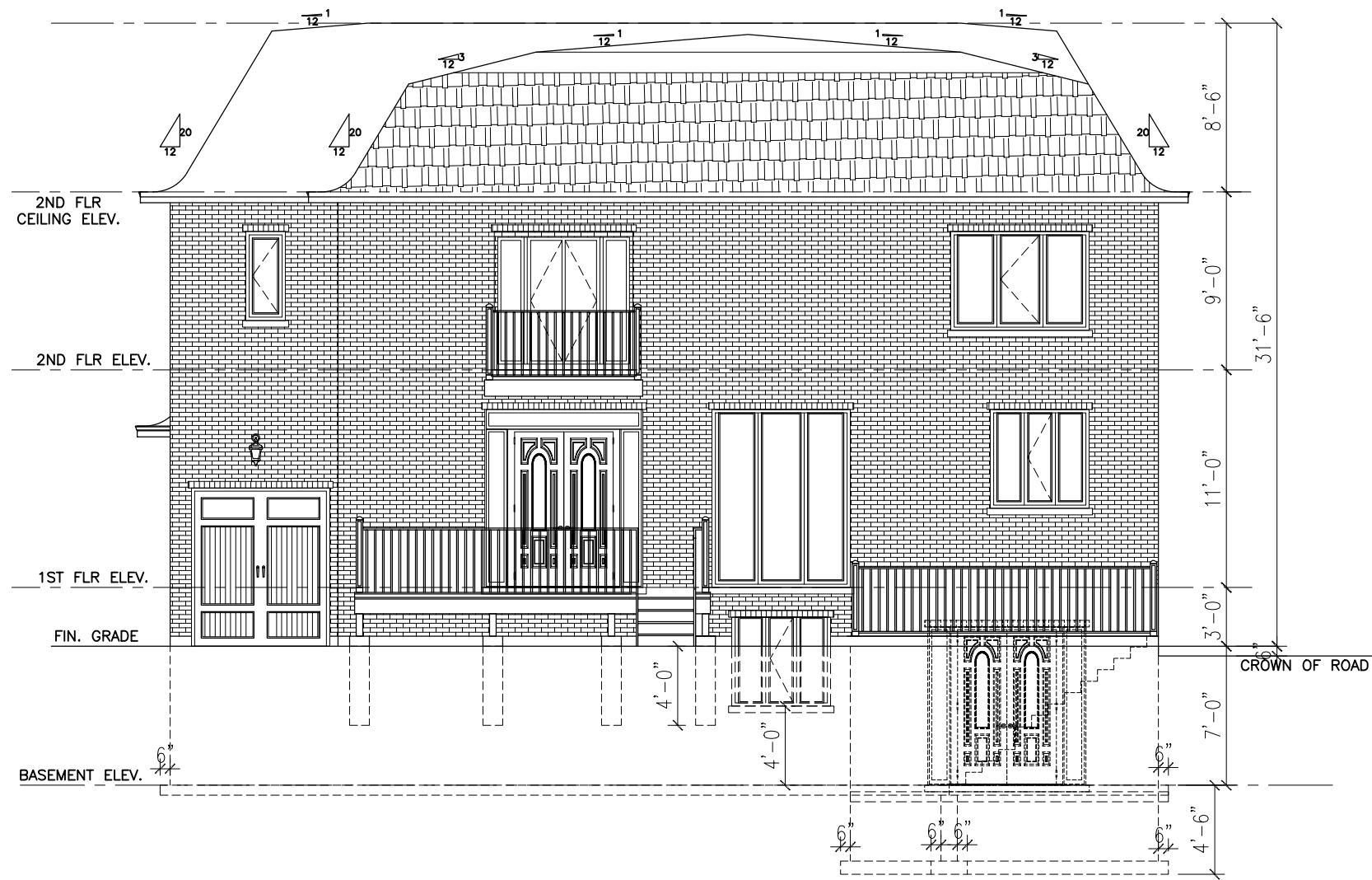
OBP CONSULTANTS INC.
2 LONGEVITY ROAD
BRAMPTON, ONTARIO L6X 5P4
PHONE: (905)230-7338

PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

DRAWING:
FRONT ELEVATION

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| SCALE: AS SHOWN | DRAWING NO. A3.1 |
| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |



REAR ELEVATION
SCALE: 1/8"=1'

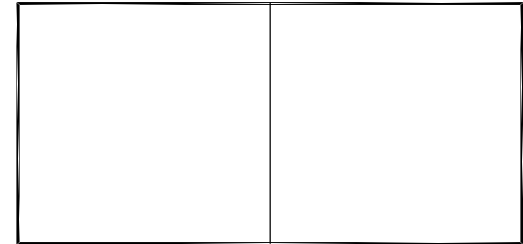
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PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

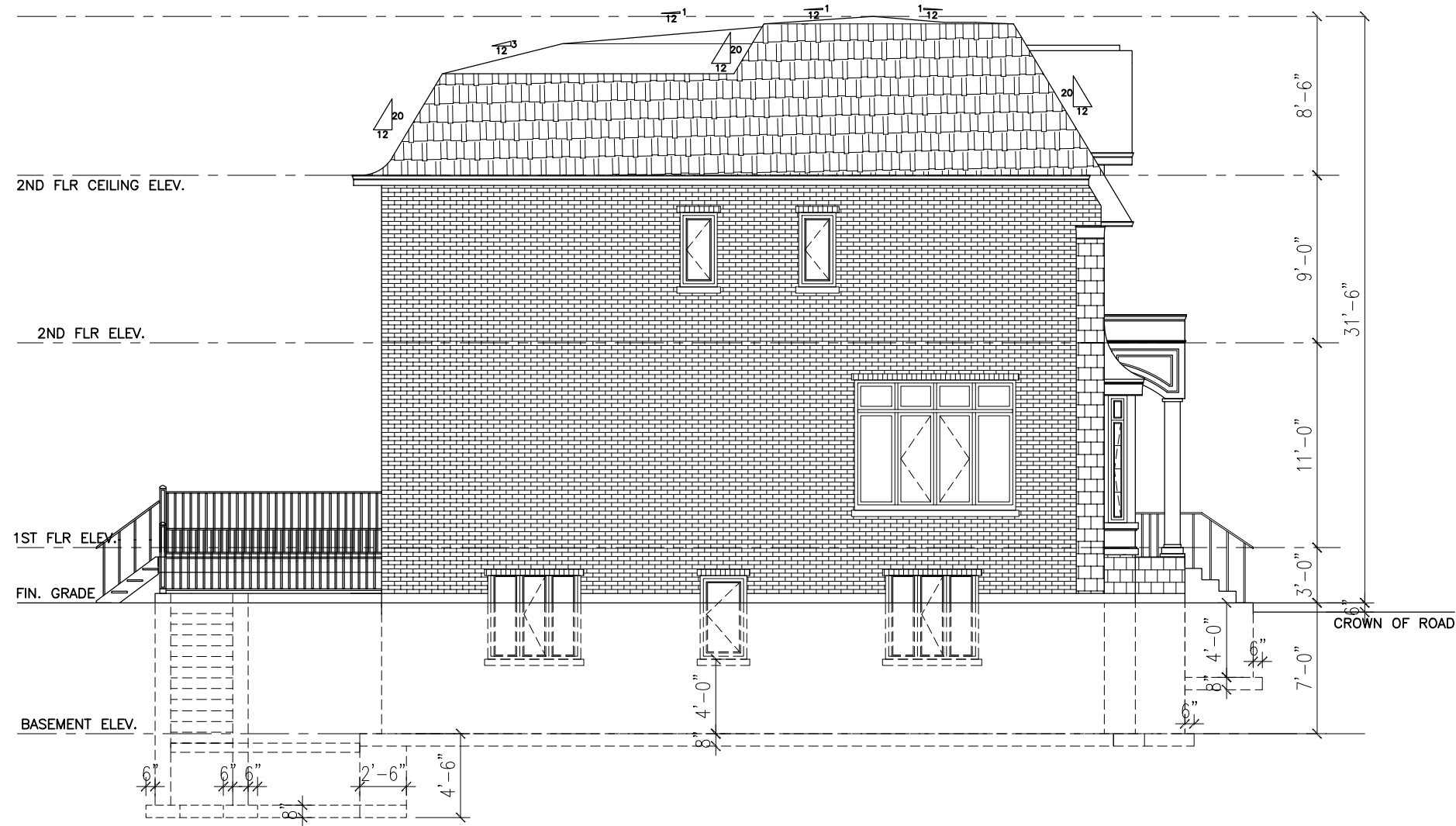
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FRONT ELEVATION

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| SCALE: AS SHOWN | DRAWING NO. A3.2 |
| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
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Date: 01/13/21
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LEFT SIDE ELEVATION
SCALE: 1/8"=1'

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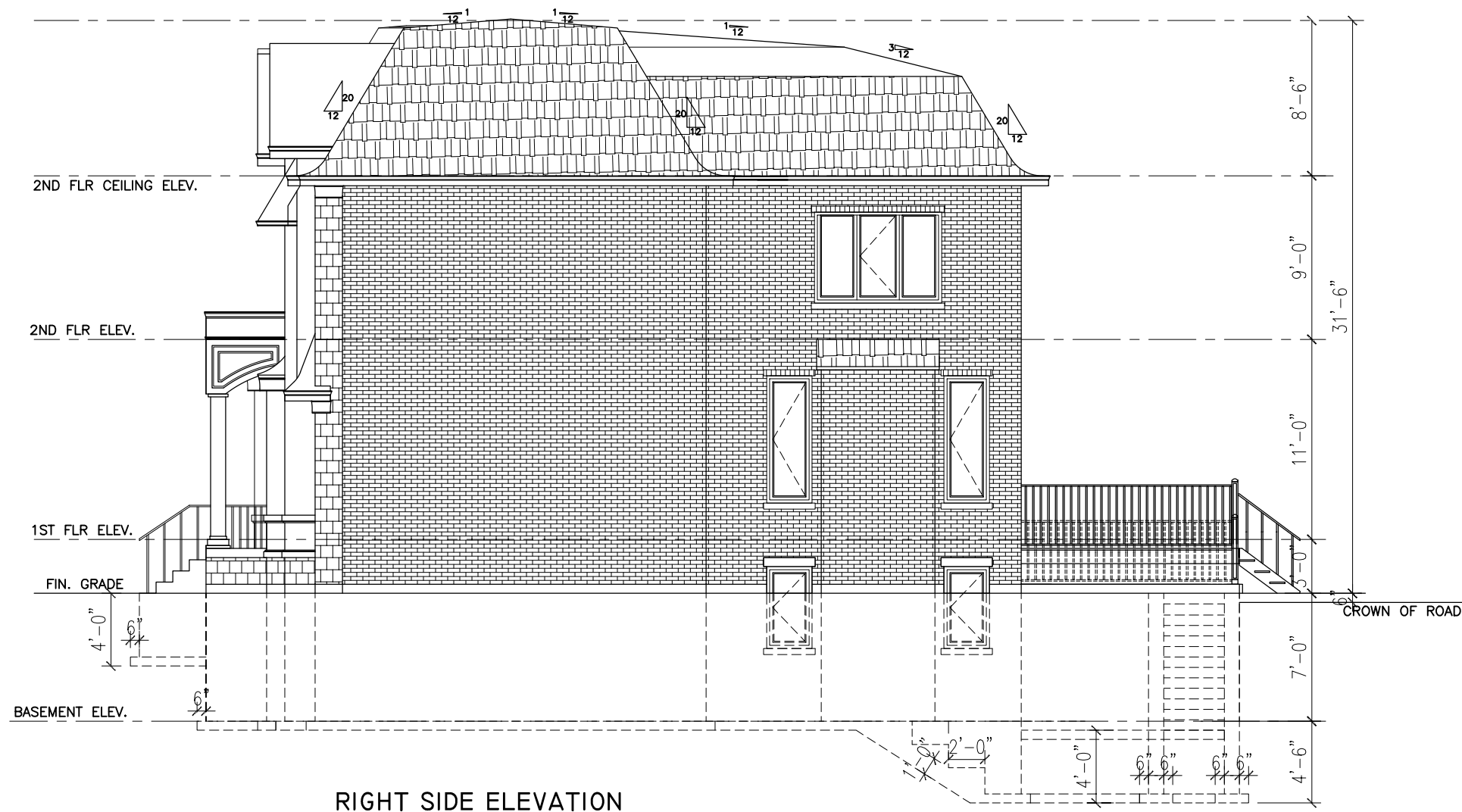
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PHONE: (905)230-7338

PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

DRAWING:
LEFT SIDE ELEVATION

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| SCALE: AS SHOWN | DRAWING NO. A3.3 |
| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |



RIGHT SIDE ELEVATION
SCALE: 1/8"=1'

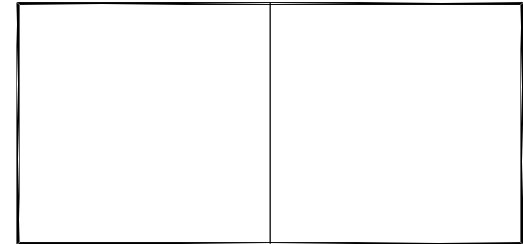
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PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

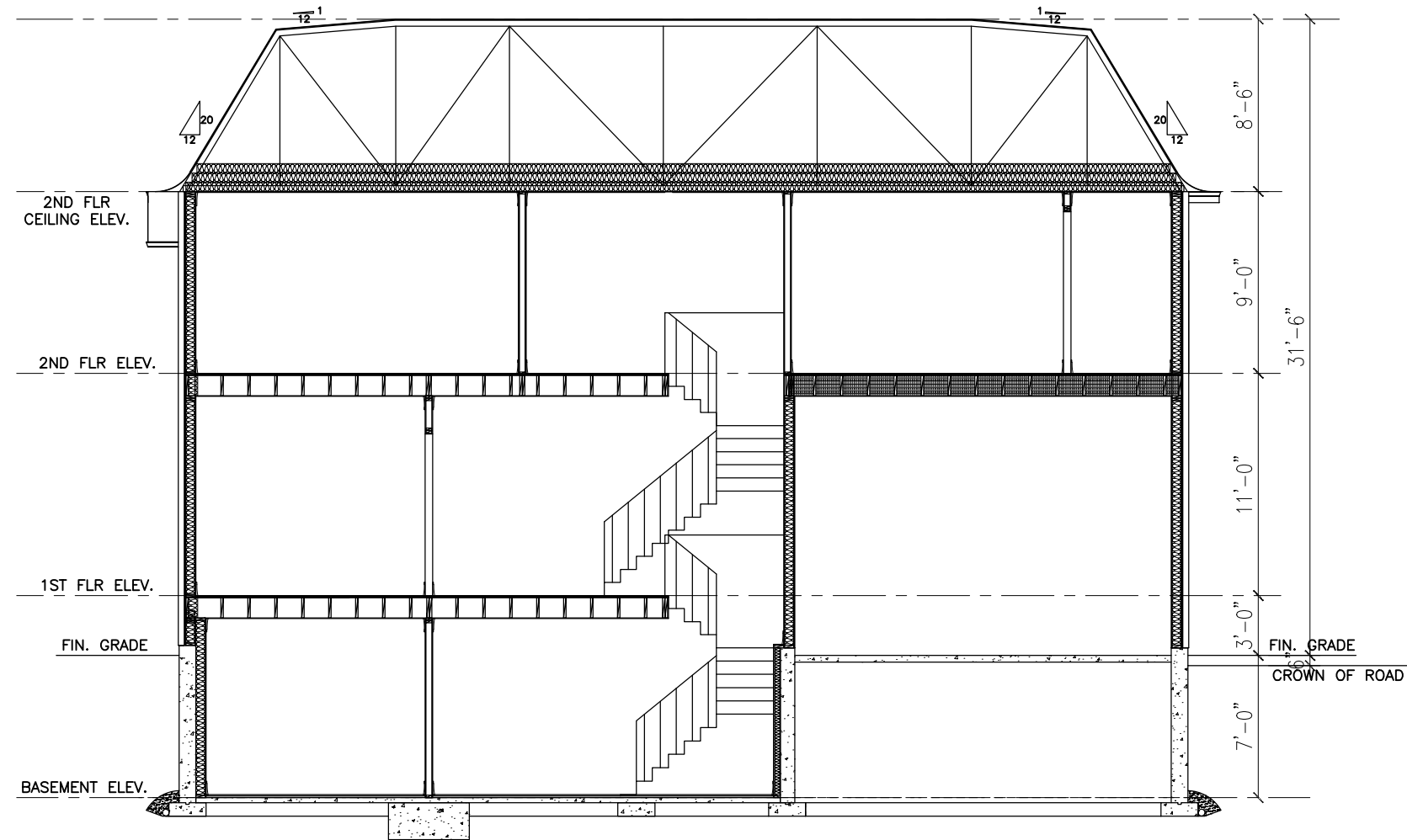
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RIGHT SIDE ELEVATION

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| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
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BUILDING SECTION
SCALE: 1/8"=1'

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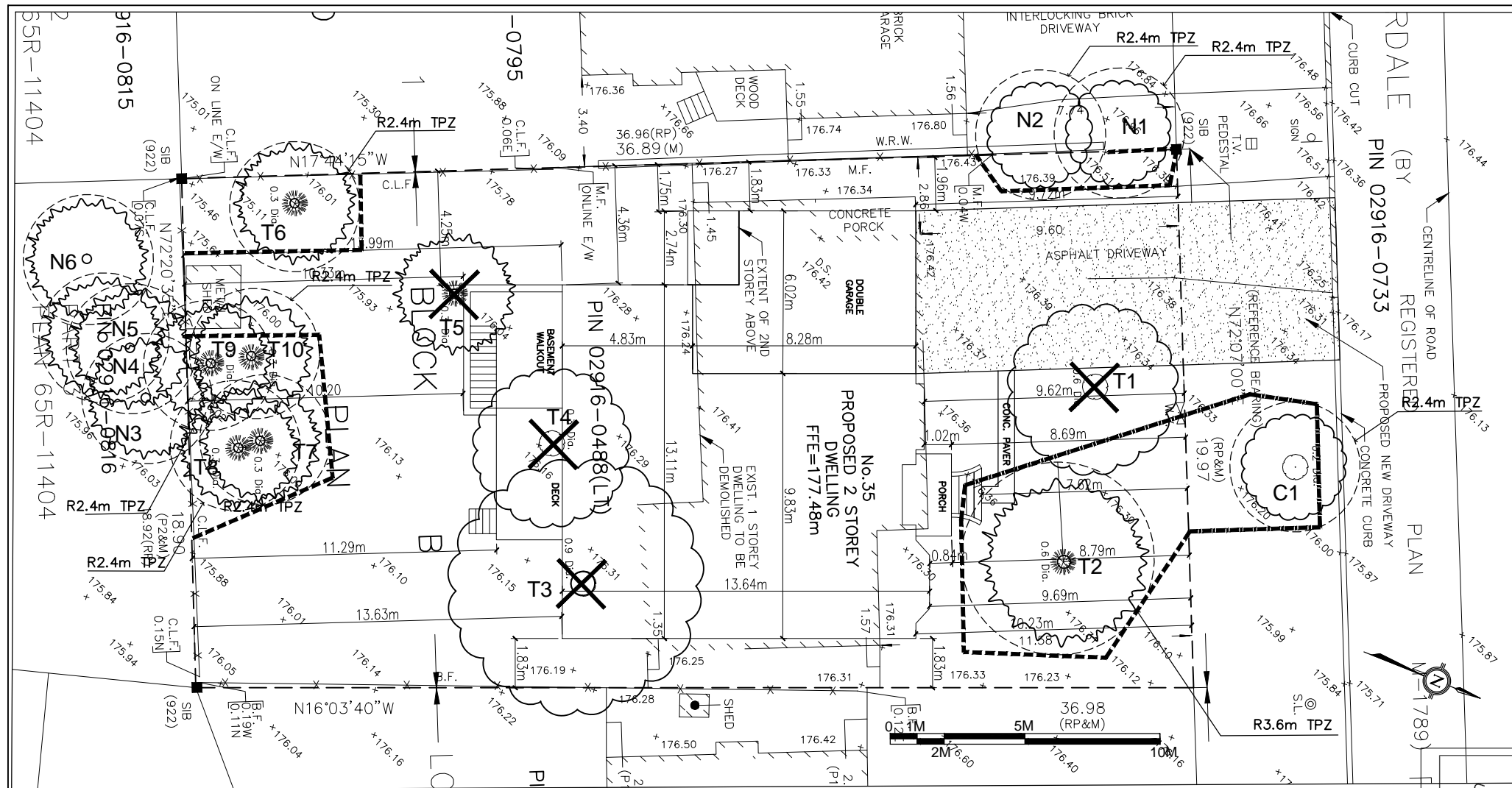
PROJECT:
PROPOSED TWO STOREY
DETACHED DWELLING

LOCATION:
35 BAKERDALE ROAD
MARKHAM, ON L3P 1J3

DRAWING:
BUILDING SECTION

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| SCALE: AS SHOWN | DRAWING NO. A4.1 |
| DATE: JAN. 06, 2020 | |
| DRN: H.X. | |
| CHK: H.X. | |

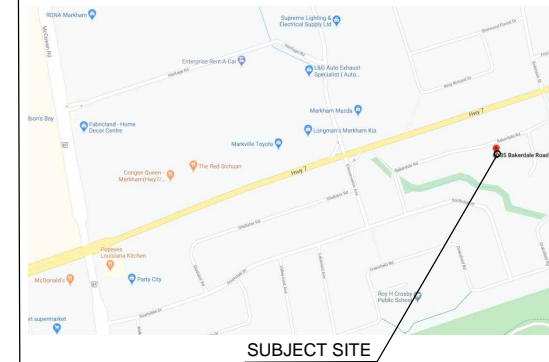
APPENDIX "C"
TREE INVENTORY & PROTECTION PLAN



LEGEND

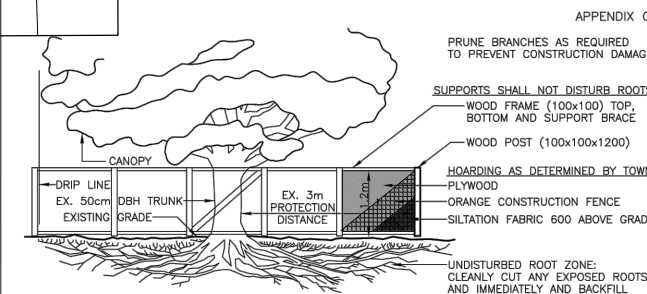
- T1 EXISTING DECIDUOUS TREES WITH TAG #
- T4 EXISTING CONIFEROUS TREES WITH TAG #
- EXISTING TREE TO BE REMOVED
- TREE PROTECTION ZONE
- TREE PROTECTION FENCE WITH SOLID WOOD BOARDS
- TREE PROTECTION FENCE WITH ORANGE SNOW WEB
- LIMIT OF PROPERTY

KEY MAP



TREE INVENTORY CHART

| Tree ID # | Botanical Name | Common Name | Quantity | DBH(cm) | Health Condition | Action | Reason For Removal |
|--|-------------------------|---------------|----------|---------|------------------|---------|-----------------------|
| City-owned Tree | | | | | | | |
| C1 | <i>Acer platanoides</i> | Norway Maple | 1 | 26 | Fair | Protect | |
| Private Trees On The Subject Property | | | | | | | |
| T1 | <i>Acer platanoides</i> | Norway Maple | 1 | 60 | Fair | Remove | Building Construction |
| T2 | <i>Picea glauca</i> | White Spruce | 1 | 60 | Fair to Poor | Protect | |
| T3 | <i>Acer saccharinum</i> | Silver Maple | 1 | 94 | Poor | Remove | Poor Condition |
| T4 | <i>Malus spp.</i> | Crab Apple | 1 | 33,32 | Fair | Remove | Building Construction |
| T5 | <i>Picea glauca</i> | White Spruce | 1 | 32 | Fair | Remove | Building Construction |
| T6 | <i>Picea glauca</i> | White Spruce | 1 | 34 | Fair | Protect | |
| T7 | <i>Picea glauca</i> | White Spruce | 1 | 37 | Fair | Protect | |
| T8 | <i>Picea glauca</i> | White Spruce | 1 | 35 | Fair | Protect | |
| T9 | <i>Picea glauca</i> | White Spruce | 1 | 35 | Fair | Protect | |
| T10 | <i>Picea glauca</i> | White Spruce | 1 | 35 | Fair | Protect | |
| Neighbours' Trees | | | | | | | |
| N1 | <i>Malus spp.</i> | Crab Apple | 1 | 25 | Fair | Protect | |
| N2 | <i>Malus spp.</i> | Crab Apple | 1 | 24 | Fair | Protect | |
| N3 | <i>Picea glauca</i> | White Spruce | 1 | 26 | Fair | Remain | |
| N4 | <i>Picea glauca</i> | White Spruce | 1 | 33 | Fair | Remain | |
| N5 | <i>Picea glauca</i> | White Spruce | 1 | 35 | Fair | Remain | |
| N6 | <i>Pinus nigra</i> | Austrian Pine | 1 | 28 | Fair | Remain | |



MINIMUM TREE PROTECTION DISTANCE FROM TRUNK:

| | |
|--------------|----------|
| < 10cm DBH | 1.2m |
| 10-29cm DBH | 1.8m |
| 30-40cm DBH | 2.4m |
| 41-50cm DBH | 3.0m |
| 51-60cm DBH | 3.6m |
| 61-70cm DBH | 4.2m |
| 71-80cm DBH | 4.8m |
| 81-90cm DBH | 5.4m |
| 91-100cm DBH | 6.0m |
| > 100cm DBH | 6cm/1cm# |

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

40cmx60cm SIGN MOUNTED ON ALL SIDES OF BARRIER

MARKHAM

TREE PROTECTION ZONE

NO WORK IS PERMITTED WITHIN THE TREE PROTECTION ZONE INCLUDING GRADING, CONSTRUCTION ACCESS AND MATERIAL STORAGE.

BREACH OF TREE PROTECTION ZONE IS SUBJECT TO A FINE OF \$_____

CONTACT TOWN OF MARKHAM FOR MORE INFORMATION: 905-477-5530

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

TREE PRESERVATION DETAILS

MARKHAM
THE CORPORATION OF THE TOWN OF MARKHAM

SCALE: N.T.S. DATE: JUNE 2009 DRAWING No: T-1

| NO. | ISSUE | DATE |
|-----|-------------------|------------|
| 1 | ISSUED FOR C OF A | 2020-09-18 |

RESIDENCE
35 Bakerdale Road,
Markham, ON

TREE INVENTORY & PROTECTION PLAN

PROJECT NUMBER:
DRAWN BY: HX CHECKED BY: JL
DATE: SEPT. 18, 2020 SCALE: 1:200
DRAWING NUMBER:

TPP

APPENDIX "D"
TRCA COMMENTS: OCTOBER 6, 2020

October 6, 2020

CFN 62567.05

By Email Only (email: JLeung@markham.ca)

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Leung:

Re: A/041/20 (Minor Variance Application – 2nd Circulation)
35 Bakerdale Road, City of Markham
Owner: Yaqing Yu
Agent: OBP Consultants Inc. (Hongxing Xin)

This letter acknowledges receipt of the 2nd circulation of the above-noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and our comments are provided herein.

Purpose of the Applications

The applicant is requesting relief from the requirements of City of Markham By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling. It is our understanding that the existing dwelling and an existing shed on the subject property will be removed.

Requested variances to the Zoning By Law:

- a) Infill By-law 99-90, Section 1.2(vi):
a floor area ratio of 64.75 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- b) Infill By-law 99-90, Section 1.2(i):
a maximum building height of 10.12 m (33.2 ft), whereas the By-law permits a maximum height of 9.8 m (32.15 ft).

Please see **Appendix A** for Applicable TRCA Regulations and Policies.

Application Specific Comments

Based on our review, the new structures are partially within TRCA's Regulated Area and will therefore require a permit from our office. While TRCA staff do not have any major concerns with this Minor Variance Application, additional detailed information will be required in support of the applicant's TRCA permit application to understand the extent of grading or site alteration being proposed, and to ensure

that any impacts to features within the Natural System are avoided, minimized, and/or mitigated. The applicant should refer to **Appendix B** of this correspondence for detailed comments that will need to be addressed as part of their TRCA permit application.

Application Review Fee

As per TRCA's role as a commenting agency for *Planning Act* applications 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. This application is subject to a \$580 review fee (2018 TRCA Planning Fees Schedule – Variance – Residential – Minor).

The applicant is advised to contact the undersigned to arrange payment to the TRCA immediately.

Recommendation

Based on the information submitted to date, we have no objections to the minor variance application of A/041/20, subject to the following conditions:

1. That the applicant remits the outstanding TRCA Planning Services review fee for this application (\$580) to TRCA.
2. That a permit from the TRCA under Ontario Regulation 166/06, as amended be obtained for the proposed development.

By way of this letter TRCA staff advise the applicant that the following items will be required for their TRCA Permit Application:

- Permit Application Form (https://trca.ca/app/uploads/2016/11/TRCA-PERMIT-APPLICATION-FORM-1_new.pdf)
- Permit Application Fee (\$470 as per our 2018 Permitting Fee Schedule – Private Residential – Minor; however, the fee schedule is subject to change in 2021)
- Response letter outlining how each of the enclosed comments have been addressed
- Grading Plan
- Erosion and Sediment Control Plan
- Tree Protection Plan
- Restoration Planting Plan (recommended only)

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Andrea Lam
Planner I
Development Planning and Permits
Extension 5306

AL/mb

Appendix A: Applicable TRCA Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2020); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Provincial Policy Statement (2020):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the Planning Act, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

TRCA's delegated role under the *Planning Act* to represent the provincial interest in natural hazards. As outlined in the Conservation Ontario / Ministry of Natural Resources and Forestry / Ministry of Municipal Affairs and Housing Memorandum of Understanding (MOU) on Conservation Authorities Delegated Responsibilities, Conservation Authorities have been delegated the responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the PPS 2020.

Ontario Regulation 166/06, as amended:

The *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of Section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

The subject property is partially located within TRCA's Regulated Area, as it is adjacent to a stream and/or valley corridor and Regulatory Storm floodplain associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit may be required from the TRCA prior to any of the following works taking place:

- b. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- c. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

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 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;
- iii. site grading; or,
- iv. the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA:

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), stable toe of slope, Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas

Appendix B: TRCA Review Comments (March 30, 2020)

1. A detailed grading plan prepared by a qualified professional will be required showing the extent of grading and site alteration associated with the proposed development.

Status Update (October 6, 2020): Comment outstanding and to be addressed by the applicant as part of TRCA permit application.

2. Please minimize tree removals in TRCA's Regulated Area to the extent possible. As part of the tree inventory/removals plan, please provide a tree protection plan.

In order to offset the removal of individual trees and the proposed increase in impervious surfaces, TRCA recommends planting native trees/shrubs in the backyard area. Please display in a restoration planting plan as per TRCA's Post-Construction Restoration Guidelines:

https://trca.ca/app/uploads/2016/02/Post-Construction_Restoration_Guidelines_July_2004.pdf

Status Update (October 6, 2020): Advisory comment - TRCA acknowledges the completion of a Tree Inventory and Protection Plan. It is recommended that a Restoration Planting Plan be provided as part of the TRCA Permit Application. You may wish to please refer to the recommended plant species provided in the CVC Planting Guideline: <https://cvc.ca/wp-content/uploads/2018/04/Plant-Selection-Guideline-FINAL-APRIL-24th-2018.pdf>

3. An Erosion and Sediment Control (ESC) plan and drawings will be required demonstrate the erosion protection for the subject. Please ensure that the ESC Plan follow the TRCA's *Erosion and Sediment Control Guideline for Urban Construction, December 2006*. The most up to date guideline can be found on the Sustainable Technologies Evaluation Program (STEP) website at <http://www.sustainabletechnologies.ca>.

Please confirm if unwatering/dewatering is expected (and if so, detail the proposed approach) and provide the following notes on the ESC plan:

- a. Sediment and erosion control measures will be implemented prior to, and maintained during the construction phases, to prevent entry of sediment into the water.
- b. The erosion and sediment control strategies outlined on the plans are not static and may need to be upgraded/amended as site conditions change to prevent sediment releases to the natural environment. The TRCA Enforcement Officer should be immediately contacted should the erosion and sediment control plans change from the approved plans.
- c. All erosion and sediment control measures should be inspected weekly, after every rainfall and significant snow melt event, and daily during periods of extended rain or snow melt.
- d. All damaged erosion and sediment control measures should be repaired and/or replaced within 48 hours of the inspection.
- e. All activities, including maintenance procedures, will be controlled to prevent the entry of petroleum products, debris, rubble, concrete or other deleterious substances into the water. Vehicular refueling and maintenance will be conducted 30 metres from the water.

- f. All disturbed areas will be stabilized and restored with native/non-invasive species upon completion of the work.
- g. A rehabilitation plan is to be implemented to restore the construction site back to its pre-construction state, or better.

Status Update (October 6, 2020): Comment outstanding and to be addressed by the applicant as part of TRCA permit application.

APPENDIX "E"
STAFF REPORT: OCTOBER 16, 2020

MEMORANDUM

DATE: October 16, 2020
TO: Chairman and Members, Committee of Adjustment
FILE: A/041/20
ADDRESS: 35 Bakerdale Road – Markham, ON
HEARING DATE: October 21, 2020

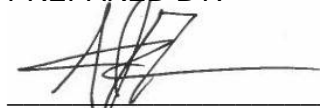
The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1229, as amended, as they relate to a proposed new single detached dwelling, to permit:

- a) **Infill By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.70%, whereas the By-law permits a maximum floor area ratio of 45.0%; and
- b) **Infill By-law 99-90, Section 1.2(i):**
a maximum building height of 10.12 m (33.20 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft).

COMMENTS

Upon review of the variance application, staff have identified that the submitted plans do not accurately calculate the requested floor area ratio (FAR) of 49.70%, as the applicant's FAR calculation has not taken into account the garage space. According to the submitted plans, the proposed floor area ratio is approximately 57.54%, which equates to a dwelling with a proposed floor area of 382.76 m² (4,120.0 ft²). Staff have concerns with the floor area ratio of 57.54%, the overall mass and scale of the proposed dwelling, and its fit within the context of the surrounding neighbourhood. Staff are of the opinion that the FAR should be reduced to reflect a smaller building mass that more closely aligns with the general scale of infill dwellings as permitted by the Infill By-law. Planning staff have communicated this with the applicant, and recommend this application be deferred sine die in order to provide the applicant time to submit revised plans that accurately reflect the FAR being requested, and address staff concerns.

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District