

Memorandum to the City of Markham Committee of Adjustment
September 16, 2018

File: B/12/17 and A/71/17
Address: 5472 and 5474 19th Avenue, Markham
Applicant: Flato Upper Markham Village Inc.
Agent: L&L Consulting Services
Hearing Date: Wednesday September 26, 2018

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

Consent Application – B/12/17 – 5474 19th Avenue

The Applicant has submitted a consent application for 5474 19th Avenue to sever and convey a parcel of land with an approximate area of 0.11 ha (0.28 ac) and an approximate frontage of 18.28 m, while retaining a parcel of land with an approximate area of 41.25 ha (135 ac).

This application proposes a lot line adjustment, where the conveyed parcel from 5474 19th Avenue will be added to 5472 19th Avenue to provide additional land for a new septic bed for the existing dwelling at 5472 19th Avenue;

- Figure 1 shows the current lot configuration of 5472 and 5474 19th Avenue.
- Figure 2 shows a site plan of the proposed parcels to be conveyed in relation to existing dwelling at 5472 19th Avenue; and
- Figure 3 shows the draft reference plan, whereby Parts 2 and 3 are the severed parcel which is proposed to merge with Part 1 as the reconfigured property municipally known as 5472 19th Avenue.

Variance Application – A/71/17 – 5472 19th Avenue

The Applicant has submitted a variance application to recognize that the resultant lot area and lot frontages of a portion of the reconfigured property at 5472 19th Avenue will not conform to the requirements of Zoning By-law 304-87, as amended. The variances request relief from the requirements of by-law 304-87, as amended, to permit:

- i) a minimum lot frontage of 79.24 m (260.0 ft) whereas the By-law requires a minimum lot frontage of 120 m (393.7 ft); and
- ii) a minimum lot area of 0.4795 ha (1.1 ac) whereas the By-law requires a minimum lot area of 10 ha (24.7 ft);

BACKGROUND

Property Description

5472 and 5474 19th Avenue ('the subject lands') are located at the northeast corner of 19th Avenue and McCowan Road, as shown in Figure 1.

5474 19th Avenue is the larger of the two subject properties with a total area of 41.25 ha (101.9 ac) and frontages of approximately 761 m (2,496.7 ft) on the north side of 19th Avenue and 400 m (1312.3 ft) on the east side of McCowan Road. This property contains cultivated fields, farm buildings, a dwelling, a pond, woodlands, and a telecommunication tower. The property surrounds the smaller subject property at 5472 19th Avenue (See Figures 4 – 6). According to City records, the existing dwelling was constructed in 1851 and is listed on the City of Markham Register of Properties of Cultural Heritage Value or Interest.

5472 19th Avenue has a total area of a 0.37 ha (1.21 ac) and frontage of 60.96 m (200 ft) on north side of 19th Avenue. This parcel contains an existing single detached dwelling with natural features on the east side of the property, including a water course and woodlot. According to City records, this dwelling was constructed in 1947. It is not listed on the City of Markham Heritage Register.

Vehicle access to both subject properties is via a shared driveway located on the larger agricultural property (5474 19th Avenue). This driveway is on a portion of the subject lands proposed to be severed and conveyed, which is identified as Part 2 on Figures 2 and 3. An existing easement in favour of 5472 19th Avenue currently supports the shared driveway configuration, however to facilitate the severance, a new separate driveway access is required for 5474 19th Avenue. This is recommended as a condition of approval for the consent application.

Surrounding land uses are exclusively agricultural. The boundary between the City of Markham and Town of Whitchurch-Stouffville is along the north lot line of 5474 19th Avenue.

Zoning Preliminary Review Not Undertaken

A Zoning Preliminary Review has not been formally conducted for the proposed development. The applicant has however discussed the variance application, including confirming the wording of the requested variances with the City's Zoning Section. It is the owner's responsibility to ensure that the proposal, including the future homes, complies with all zoning requirements. If any variances are identified during the Building Permit review process, the applicant will be required to reapply to the Committee of Adjustment to address any non-compliance.

Public Input Summary

No written submissions were received as of September 16th, 2018. 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.

Proposal

The purpose of the consent application is to sever a 0.11 ha (0.28 ac) parcel of land from 5474 19th Avenue, to be added 5472 19th Avenue. This will increase the size of 5472 19th Avenue to provide additional land for a new septic bed on the west side of the existing dwelling. A septic system on the west side of the dwelling is optimal, as the east side of the property contains a significant amount of natural vegetation, a water course and pond.

Variances have been requested to permit a reduced lot area and lot frontage for the reconfigured 5472 19th Avenue, which does not meet the minimum development standards within the Agricultural Zone under by-law 304-87, as amended.

COMMENTS

Consent applications are evaluated in the context Section 51 (24) of the Planning Act. Section 45.1 of the Planning Act outlines four tests that must be met in order for a variance to be granted by the Committee of Adjustment, summarized as follows:

1. The variance must be minor in nature;
2. The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
3. The general intent and purpose of the Zoning By-law must be maintained;

4. The general intent and purpose of the Official Plan must be maintained.

Provincial Policy, Official Plan and Zoning

Provincial Greenbelt Plan (2017)

Portions of the subject lands are within and subject to the policies of the Provincial Greenbelt Plan (2017). These areas are shown on Figure 4, and include the section of the subject lands adjacent to Mc Cowan Road and the central portion of the site containing natural features, including the water course and woodlands. Figure 4 shows the parcel to be severed and the property it is to merge with (5472 19th Avenue) are situated within the Greenbelt Plan (2017) area.

Section 4.6 e of the Greenbelt Plan (2017) permits 'minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in *prime agricultural areas*, including *specialty crop areas*, and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*'. The parcel of land proposed to be severed does not contain any significant natural heritage or hydrologic feature'. These features do exist on the east side of the existing dwelling at 5472 19th Avenue and are intended to be preserved. Since the consent application proposes a lot line adjustment where the severed parcel will merge with an existing lot, approval of the consent application will not result in the creation of a new lot. Staff are of the opinion that the proposal complies with the Provincial Greenbelt Plan (2017) policies.

Official Plan

The subject lands are designated 'Countryside' and 'Greenway' in "the 2014 Official Plan", as partially approved on November 24, 2017 and further updated on April 9, 2018. The Official Plan designations are shown in Figure 5.

The 'Greenway' designation applies to areas of site containing natural features including the water course and woodlands, and other areas of the subject lands within the Provincial Greenbelt Plan (2017) (Figure 4). Figure 5 shows the parcel to be severed and the property it is to merge with (5472 19th Avenue) are designated 'Greenway' in the 2014 Official Plan.

The intent of the 'Greenway' designation is 'to protect valleylands and stream corridors, sensitive groundwater features, landforms, woodlands, wetlands and agricultural lands while supporting agricultural activities, protection of wildlife habitat, passive recreation uses, natural heritage enhancement opportunities and nature appreciation. This designation, however, does provide for detached dwellings and structures on existing on lots of record that existed prior to approval of the 2014 Official Plan, which is the case for both 5472 and 5474 19th Avenue.

The 2014 Official Plan sets out policies for lands subject to the Provincial Greenbelt Plan (2017). Section 3.1.5.15 only permits consents subject to meeting all of the requirements of Section 4.6 (i.e. Lot Creation policies) of the Greenbelt Plan (2017). Having noted that the proposed lot line adjustment complies with the Greenbelt Plan (2017), staff are of the opinion the proposal also conforms to the 2014 Official Plan.

Zoning By-law

Figure 5 shows the current zoning designations applicable to the subject lands. The majority are zoned Agricultural One (A1) under Zoning by-law 304-87, as amended, which permits agricultural uses and accessory dwellings. The A1 zone requires a minimum lot

frontage of 120 m (393.7 ft) and minimum lot area of 10.0 ha (24.7 ac). The retained lot at 5474 19th Avenue complies with these standards.

The balance of the subject lands, including all of 5472 19th Avenue, are zoned Open Space One (O1) under By-law 304-87, as amended, which permits golf courses, public or private parks, athletic fields or public conservation projects. A dwelling is not permitted. There are no development standards for this zone.

Areas of the subject lands zoned O1 include lands adjacent to Mc Cowan Road and the central portion of the site containing natural features, including the water course and woodlands. It also includes a portion of the parcel to be severed and the property it will merge with.

The existing dwelling at 5472 19th Avenue is considered legal non-conforming, as it existed prior to the zoning by-law. Given that there are no minimum lot area and lot frontage requirements in the O1 zone, the majority of the reconfigured lot at 5472 19th Avenue that is within the O1 zone will conform to the zoning by-law. The portion of the reconfigured lot within the A1 zone does not comply with the minimum lot and frontage requirements, which is basis of the submitted variance application. The applicant should also be advised that a future variance will be required for this existing dwelling to facilitate any expansions or new construction in order 'to expand a legal-non conforming use'.

The applicant submitted a variance application requesting reductions to the minimum required lot area and lot frontage to recognize that a portion severed parcel is within the A1 zone. While the variances request substantial reductions to the by-law requirements, staff recognize this a unique scenario to facilitate a lot line adjustment on a portion of the subject lands that straddles separate zoning categories. The majority of the reconfigured property is within the O1 zone which has no development standards. Staff are of the opinion that the approval of the variances will not be precedent setting to allow for smaller lots within the City's agricultural zones. Staff consider this to be a unique scenario and are satisfied that the 'four tests' of the Planning Act have been met.

Region of York Comments

In comments provided on September 10, 2018 (Appendix 'A'), the Region of York has advised they have no objection to the proposed applications. The Region of York has requested a condition that their application review fees be paid, which is recommended as a condition in any decision to approve the consent application.

Toronto Region Conservation Authority Comments

In comments provided on September 6, 2018 (Appendix 'B'), the Toronto Region Conservation Authority (TRCA) has advised they have no objection to the proposed applications. The TRCA has requested a condition that their application review fees be paid, which is recommended as a condition in any decision to approve the consent application.

CONCLUSION

Based on the discussion above, staff are of the opinion that the proposed consent application to permit a lot line adjustment for a new septic bed is appropriate. Staff have had regard for the criteria in Section 51 (24) of the Planning Act in evaluating the consent

application. Planning staff also do not have any objection to the proposed variance application.

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.

The Committee consider public input in reaching a decision and staff recommend that the applications be approved subject to the conditions in Appendix 'C'

PREPARED BY:



Stephen Carr, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\17 162579\Documents\District Team Comments Memo

APPENDIX "C"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/12/17

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/12/17, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/12/17, title to Part(s) 2 and 3 on the Draft Reference Plan submitted with File B/12/17 will merge with title to the lands to the east, municipally known as 5472 19th Avenue, all to the satisfaction of the Director of Planning and Urban Design or designate.
6. The Owner shall construct a new driveway providing separate access to the existing dwelling/property at 5474 19th Avenue, to the satisfaction of the Director of Planning and Urban Design.
7. That the Owner Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
8. That the applicant satisfies the requirements of the Region of York, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix B to this Staff Report, to the satisfaction of the Region of York, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Region of York.
9. That the applicant satisfies the requirements of the Toronto Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Region of York.

10. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990,c.P.13.

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/71/17

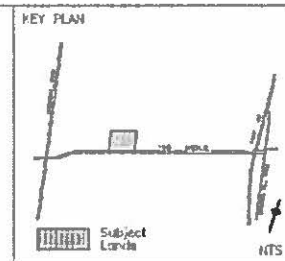
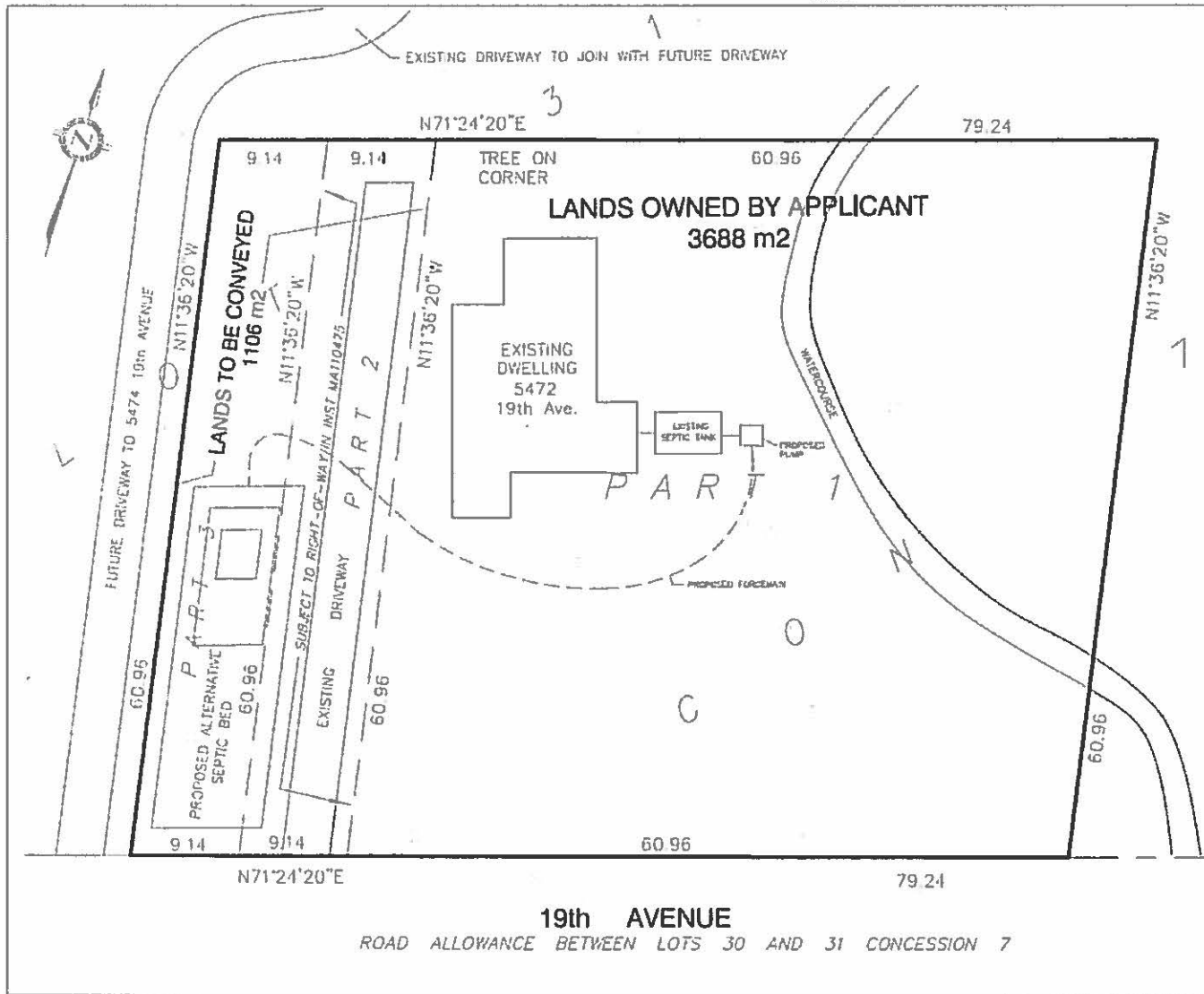
1. The variances apply only to the proposed development as long as it remains;

CONDITONS PREPARED BY:


Stephen Coir, Senior Planner, East District



 **SUBJECT LANDS**



Subject Lands = 4734 m²

BONNIE & BRIAN DRUDGE
CONCEPTUAL SITE PLAN

LDT 31, CONCESSION 7
PARTS 1, 2 & 3 D4 DRAFT REFERENCE PLAN
DEVELOPED FOR THE CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

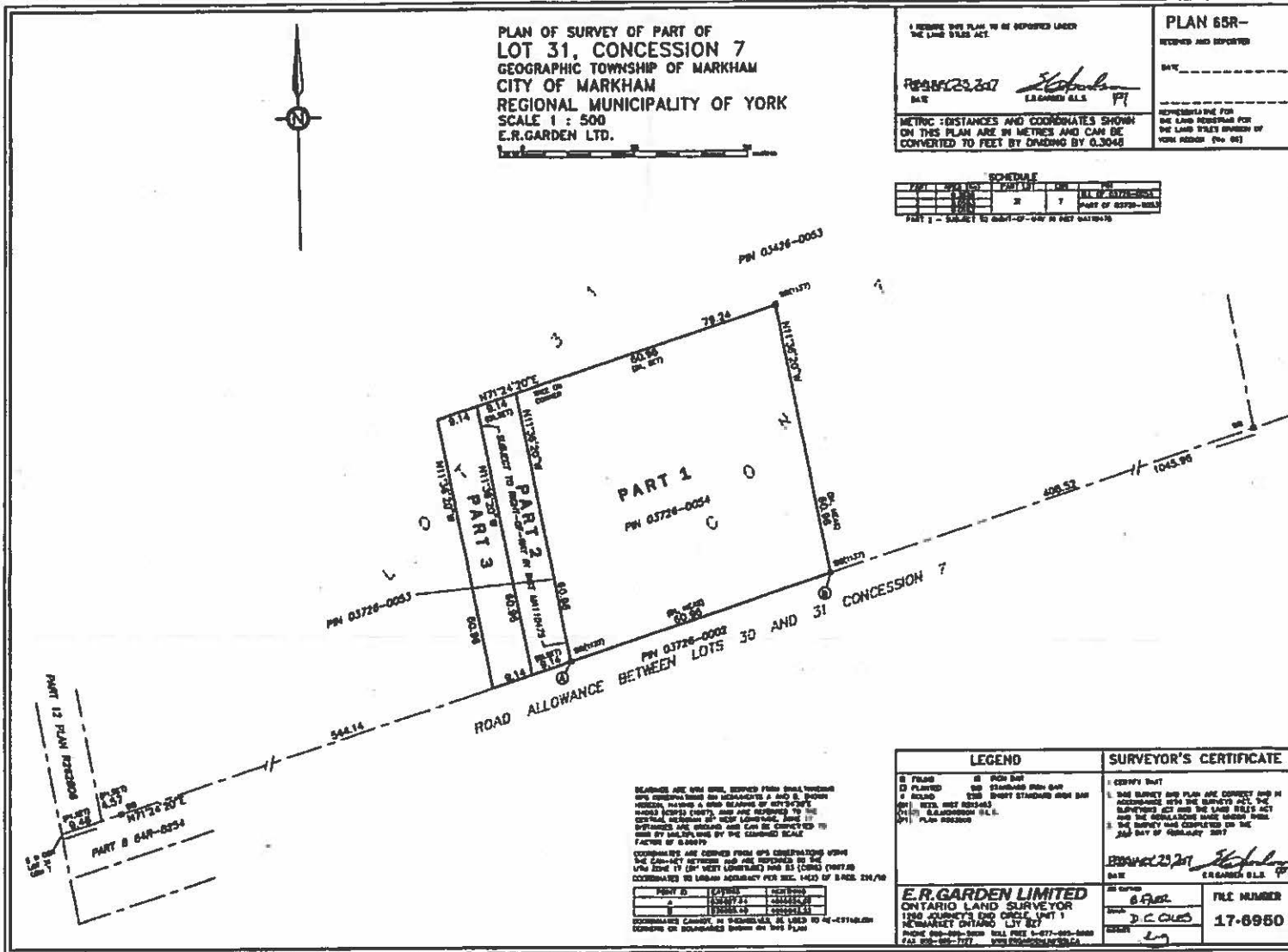
DATE	ISSUE	BY	SCALE
13/09/2018	1	Michael Smith	AS SHOWN
Michael Smith			1148-00

SITE PLAN

APPLICANT: FLATO UPPER MARKHAM VILLAGE INC.
5472 AND 5474 19TH AVE

FILE No. B/12/17 and A/71/17 (SC)

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DRAFT REFERENCE PLAN

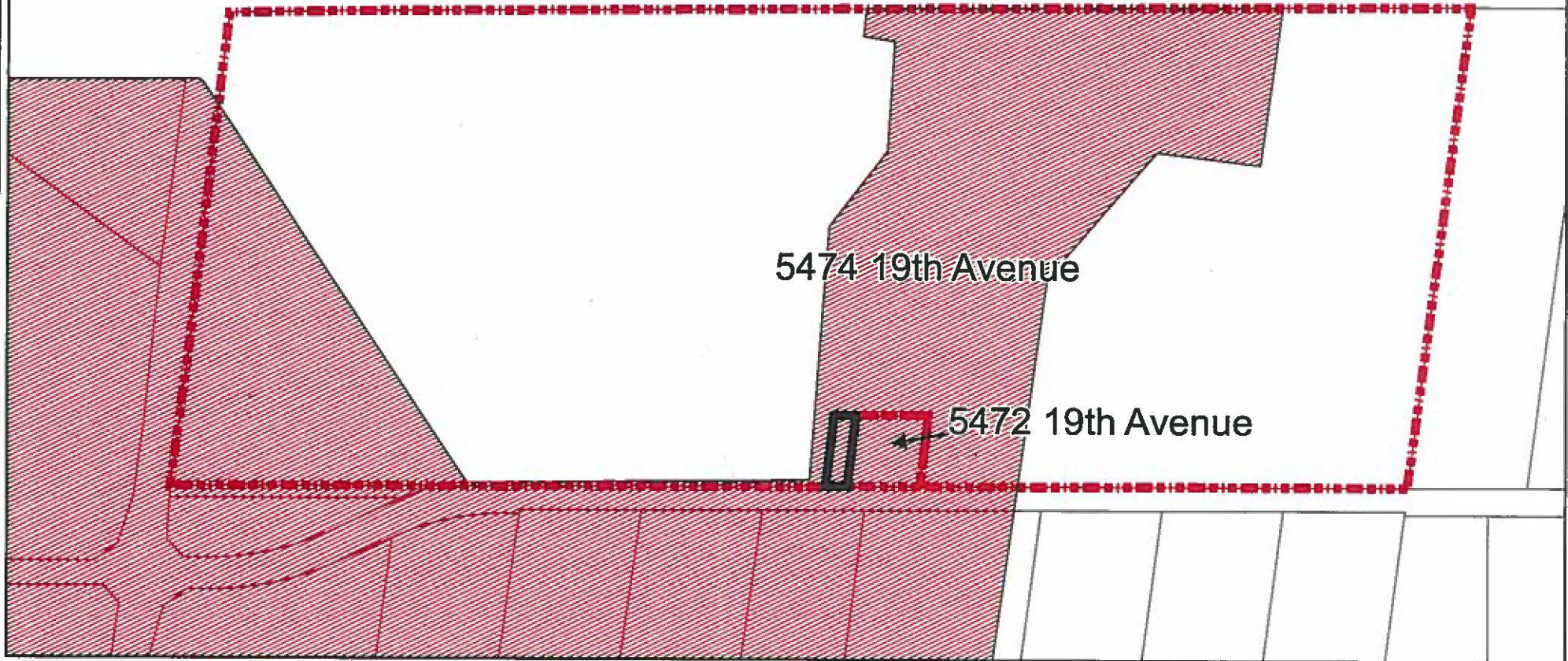
APPLICANT: FLATO UPPER MARKHAM VILLAGE INC.
5472 AND 5474 19TH AVE

FILE No. B/12/17 and A/71/17 (SC)

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Legend

-  Severed Parcel
-  Greenbelt Boundary
-  Parcels



GREENBELT PLAN

APPLICANT: FLATO UPPER MARKHAM VILLAGE INC.
5472 AND 5474 19TH AVE

FILE No. B/12/17 and A/71/17 (SC)

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 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SC

Date: 13/09/2018

FIGURE No. 4



 SUBJECT LANDS

Legend

-  Severed Parcel
-  Parcels
-  Greenway
-  Countryside Agriculture Net



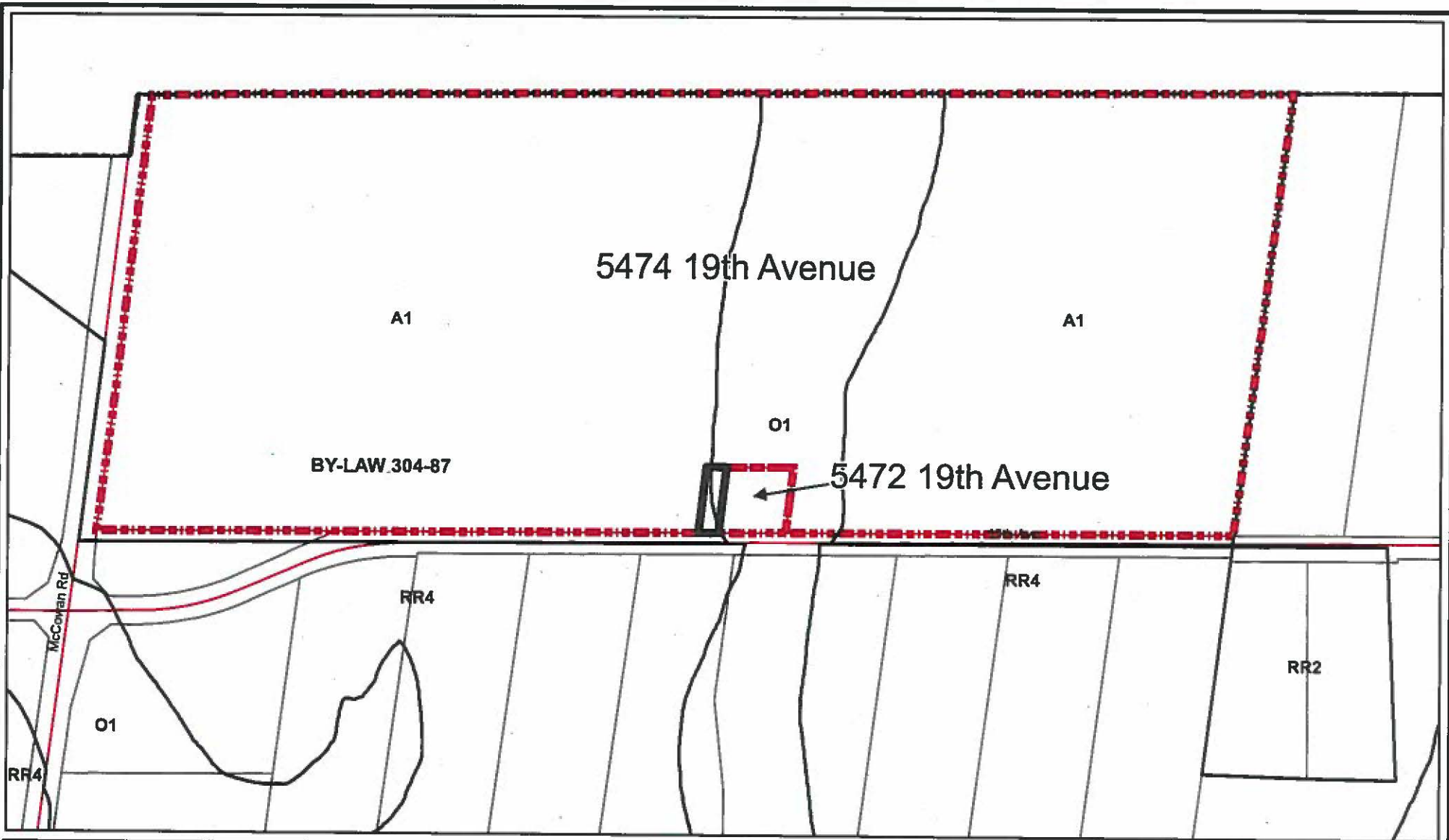
2014 OP DESIGNATIONS

APPLICANT: FLATO UPPER MARKHAM VILLAGE INC.
5472 AND 5474 19TH AVE

FILE No. B/12/17 and A/71/17 (SC)

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 SUBJECT LANDS



ZONING DESIGNATIONS

APPLICANT: FLATO UPPER MARKHAM VILLAGE INC.
5472 AND 5474 19TH AVE

FILE No. B/12/17 and A/71/17 (SC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

-  SEVERED PARCEL
-  SUBJECT LANDS



Drawn By: LW

Checked By: SC

Date: 13/09/2018

FIGURE No. 6



Revised Conditions
File No's.: B/12/17/
& A/71/17

September 10, 2018

Justin Leung,
Secretary-Treasurer, Committee of Adjustment
Development Services Commission
City of Markham
Ontario, L3R 9W3

RE: Revised Consent Application: B/12/17
Revised Minor Variance Application: A/71/17
Submitted by Brian & Russel Drudge
5472 & 5474 19th Avenue
City of Markham

The Regional Municipality of York has completed its review of the above noted consent and Minor Variance applications. The subject site is municipally known as 5472 and 5474 19th Avenue and is located at the North east corner of 19th Avenue and McCowan Road in the City of Markham.

The subject property is located within a Greenlands System Vision as shown on Map 2 of the York Region Official Plan 2010 (YROP-2010) and subject to the policies of Section 2.1.9. Development and site alteration applications that are within 120 metres of the Regional Greenlands System shall be accompanied by an environmental Impact study. The environmental impact study shall also address any requirements of the local municipality. Within the Oak Ridges Moraine, the Greenbelt and the Lake Simcoe watershed, environmental impact studies shall meet the requirements of those plans. The subject property is also located in the Natural Heritage System on Map 3, Environmentally Significant Areas and Areas of Natural and Scientific interest. Further the Region is protecting for a 36 metre(s) right-of-way along this section of McCowan Road that abuts the subject lands for the purpose of a road widening as per Section 7.2.49 of the YROP-2010.

The site is within WHPA-Q as well as partially within both TRCA SGRA and HVA. Please be aware that future applications will be subject to the CTC Source Protection Plan water quantity recharge maintenance policy and the development must implement best management practices such as Low Impact Development (LID) with the goal to maintain predevelopment recharge. The use of the following resource is encouraged: Low Impact Development Stormwater Management

Planning and Design Guide and is available using the following link: <http://www.creditvalleyca.ca/low-impact-development/low-impact-development-support/stormwater-management-lid-guidance-documents/low-impact-development-stormwater-management-planning-and-design-guide/>. The proponent may be required to maintain recharge as demonstrated through a hydrogeological study that shows the existing (i.e. pre proposed development) water balance can be maintained in the future (i.e. post proposed development). The contact person for the scoping and review of the water balance is Don Ford at TRCA.

Should the proposed future development include bulk fuel or bulk chemicals within the HVA, a Contaminant Management Plan (CMP) will be required prior to Site Plan approval, for Water Resources review and approval. If a CMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring within the HVA.

The Region has no objection to the consent application subject to the following conditions:

1. A. This application is subject to York Region's development applications processing fee as identified in By-law No. 2010-15. The review fee for Consent to Sever is \$810. These fees are required to proceed with the review.

Please note that all payments shall be in the form of a certified cheque and made payable to "The Regional Municipality of York" and forwarded to the Development Review Coordinator, Planning and Economic Development Branch.

2. Prior to final approval, the Planning and Economic Development Branch shall certify that Condition 1 has been satisfied.

With respect to the conditions above, we request a copy of the notice of decision when it becomes available.

Should you have any questions regarding the above, please contact Gabrielle Hurst at extension 71538 or through electronic mail at gabrielle.hurst@york.ca

Regards,

Gabrielle Hurst, MCIP, RPP, C.Tech
Programs and Process Improvement, Planning and Economic Development Branch



September 6, 2018

CFN: 57057.11

BY E-MAIL ONLY

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

Dear Mr. Leung:

**Re: Consent Application - B/12/17
Minor Variance Application – A/71/17
5472 & 5474 19th Avenue, Markham, ON
Flato Upper Village Markham Inc. and Brian & Bonnie Drudge (Owners)
L&L Consulting Services (Agent: Lynn Barkey)**

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION

B/12/17

The applicant is requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate lot frontage of 18.28 metres (m) and with an approximate lot area of 0.11 hectares (Parts 2 and 3);
- b) Retain a parcel of land with approximate lot frontage of 957.23 metres and approximate lot area of 41.25 hectares (the remainder of the property at 5474 19th Avenue; CON 7 PT LOT 31).

Parts 2 and 3 are to be merged with Part 1 in order to expand the existing residential lot.

A/71/17

The applicant is requesting relief from the requirements of By-law 304-87, as amended, as it relates to a lot line adjustment for an existing residential property.

- a) **Section 6.3 (a):**
A minimum lot frontage of 79.24 m whereas the By-law requires a minimum lot frontage of 120 m;

b) Section 6.3 (b):

A minimum lot area of 0.4795 hectares (ha) whereas the By-law requires a minimum lot area of 10 ha.

APPLICABLE TRCA REGULATIONS AND POLICIES**Ontario Regulation 166/06 (as amended):**

The subject properties are located within TRCA Regulated Area, as the McCowan Road Tributary associated with the Rouge River Watershed traverses the subject property. In accordance with Ontario Regulation 166/06 (*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*), a permit is required from the TRCA prior to any of the following works taking place:

- a) 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;
- b) 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;
- 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 (LCP):

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), top of slope (TOS), 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 a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

APPLICATION SPECIFIC COMMENTS**Greenbelt Plan:**

Please be advised, the subject lands are designated Protective Countryside by the Greenbelt Plan, 2017. Section 7 of the *Greenbelt Act, 2005*, requires decisions made under the *Planning Act* to conform to the policies of the Greenbelt Plan. Ontario Regulation 59/05, which came into force on December 16, 2004, prescribes the boundaries of the Greenbelt.

The Protected Countryside also contains a Natural System that is intended to protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and collectively support biodiversity and overall ecological integrity. Section 3.2.1 of the Greenbelt Plan describes the purpose and characteristics of the Natural Heritage System and Section 3.2.2 outlines permitted uses and land use policies that apply to areas within the Natural Heritage System. The

Natural System is comprised of the Natural Heritage System, Water Resource System, Key Natural Heritage Features (KNHFs) and Key Hydrologic Features (KHF). Schedule 4 of the Greenbelt Plan identifies the boundary of the Natural Heritage System.

The Greenbelt Plan also identifies specific natural features that require protection. Based on our review, the subject property is traversed by a valley corridor, which contains wetland and woodland features. Under the Greenbelt Plan, valley corridors, wetlands and woodlands are designated as KNHFs and/or KHFs. Please note, no new development is permitted within a KNHF/KHF or its associated 30-meter Minimum Vegetation Protection Zone (MVPZ). Based on our review, a portion of the subject property is within the MVPZ of KNHFs/KHFs. TRCA staff note that an Assessment Report for Conformity with the Greenbelt Plan or related study was not submitted as part of this application.

The TRCA has objectives related to the maintenance, restoration and enhancement of the Greenbelt Plan area. As technical advisors to the City of Markham, the TRCA must be satisfied that there will be no negative impacts to natural features resulting from the approval of the subject application. However, given that municipalities are the designated approval authority under the Greenbelt Plan, we recommend that the City of Markham ensure that this application conforms to the provisions of the Greenbelt Plan.

Ontario Regulation 166/06, as amended:

As noted above, the subject lands are located within TRCA's Regulated Area of the Rouge River Watershed. The Regional Storm Floodplain associated with the valley corridor traverses each property and varies in elevation from 228.87 to 226.28 metres above sea level (North to South). On this basis, a permit pursuant to Ontario Regulation 166/06, as amended, is required from TRCA prior to the commencement of any development on the subject lands.

Based on our review, TRCA have no concerns with the proposed consent application to facilitate the merging of Parts 2 and 3 with Part 1 in order to expand the existing residential lot. Furthermore, we have no objections to the requested variances, given that the lot is legally non-conforming and is already deficient in both lot frontage and area.

In addition to the above, TRCA staff are of the understanding that the lot line adjustment/merging of Parts 2 and 3 with Part 1 will extinguish an existing easement located on 5474 19th Avenue, which is used for access by the owner of 5472 19th Avenue. As a result, a new driveway is required to establish an entry/exit point for 5474 19th Avenue. The site alteration associated with the construction of a new driveway will require a TRCA permit. Additionally, the drawing indicates a proposed septic system on the lands to be conveyed to 5472 19th Avenue. A separate permit will be required for the works associated with the proposed septic system. Both proposed works (i.e. septic system and driveway) should be appropriately setback outside of the natural system and any KNHF's.

Permitting:

As noted above, the subject properties are located within TRCA's Regulated Area. A separate TRCA permit is required for each property prior to any works commencing on either site, pursuant to Ontario Regulation 166/06, as amended. Detailed information in respect to permit submission requirements are available on our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by TRCA.

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,400.00 review fee (2018 TRCA Planning Fees Schedule – Consent/Severance/Land Division – Minor). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

In light of the above, TRCA staff have **no objections** to the Consent and Minor Variance applications subject to the following condition:

1. The applicant remits the outstanding TRCA Planning Services review fee of \$1,400.00 within 60 days of this letter.

I trust the above is of assistance. If you have any questions, do not hesitate to contact the undersigned.

Sincerely,



Aidan Pereira
Planner I, Planning & Development
apereira@trca.on.ca
(416) 661-6600 ext. 5723

AP/as