

Memorandum to the City of Markham Committee of Adjustment

November 10, 2020

File: A/013/20
Address: 95 Parkway Ave – Markham, ON
Applicant: Li Yi
Agent: Impressions Group
Hearing Date: November 18, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the “Residential (R1)” zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey 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%;
- b) **By-law 1229, Section 11.1:**
a minimum front yard setback of 24.67 ft (7.52 m), whereas the By-law requires a minimum front yard setback of 25.0 ft (7.62 m);
- c) **Section 11.2 (c)(i):**
an unenclosed porch (including cold cellar below) and stairs to encroach 3.0 ft (0.91 m) into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 in (0.46 m) into a required yard; and
- d) **Section 11.1:**
A minimum side yard setback of 4.0 ft (1.22 m) along the west property line, whereas the By-law requires a minimum side yard setback of 6.0 ft (1.83 m).

BACKGROUND

This application was initially deferred at the March 4, 2020 Committee of Adjustment meeting over concerns with the overall mass and scale of the proposed dwelling. The applicant initially requested the following variances to permit:

- a) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 57.30%, whereas the By-law permits a maximum floor area ratio of 45.0%;
- b) **By-law 1229, Section 11.1:**
a minimum front yard setback of 24.67 ft (7.52 m), whereas the By-law requires a minimum front yard setback of 25.0 ft (7.62 m); and
- c) **Section 11.2 (c)(i):**
an unenclosed porch (including cold cellar below) and stairs to encroach 11.17 ft (3.40 m) into the required front yard, whereas the By-law permits a maximum encroachment of 18.0 in (0.46 m) into a required yard.

In response, the applicant revised their proposal and resubmitted plans on November 6, 2020 (Appendix "B"), and is now requesting the variances noted at the beginning of this memo.

Property Description

The 613.16 m² (6,600.0 ft²) subject property is located on the south side of Parkway Avenue, north of Church Street, and west of Wooten Way North. The property is developed with an existing one-storey detached dwelling. Mature vegetation exists throughout the property. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill redevelopment. A city owned walkway abuts the site to the west, providing a pedestrian connection from Parkway Avenue to Sir Galahad Place to the south.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling, and to construct a new two-storey single detached dwelling with an attached two car garage. The ground floor would have an area of approximately 184.01 m² (1,980.67 ft²) including the garage, and a second floor of approximately 120.53 m² (1,297.37 ft²), for a total net floor area of 304.54 m² (3,278.04 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 the retention of existing trees and vegetation, and the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned "Residential (R1)" under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to maximum encroachment into the required front yard for an unenclosed porch and stairs, and minimum west side yard setback.

Residential Infill Zoning By-law 99-90

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

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR to confirm the initial variance application submission. A second ZPR has not been completed for the revised proposal.

It is the applicant's responsibility to ensure that the application has accurately identified all 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:

- 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 a new maximum floor area ratio of 49.70%, whereas the By-law permits a maximum floor area ratio of 45.0%. The requested variance would facilitate the construction of a two-storey detached dwelling with a floor area of 304.72 m² (3,280.20 ft²), whereas the By-law permits a dwelling with a maximum floor area of 275.92 m² (2,970.0 ft²). This represents an increase of approximately 28.80 m² (310.20 ft²) from the By-law.

To address staff's initial concerns, the applicant has reduced the proposed net floor area by approximately 45.66 m² (491.48 ft²). Staff are of the opinion that the reduced variance request more appropriately reflects the intended size and scale of new infill development within the neighbourhood, and that it generally maintains the intent of the By-law. Staff do not anticipate that the proposed variance will adversely impact abutting properties.

Reduction in Minimum Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 7.52 m (24.67 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25.0 ft). This is a reduction of approximately 0.10 m (0.33 ft).

The reduced front yard setback is attributable to the unenclosed covered front porch and a below grade cold cellar. Staff are of the opinion that the proposed variance is negligible and have no concerns with this requested variance.

Increase in Maximum Encroachment (Unenclosed Porch, Stairs, & Below Grade Cold Cellar)

The applicant is proposing a maximum encroachment of 0.91 m (3.0 ft) for an unenclosed porch (including cold cellar below) and stairs into the required front yard of 25.0 ft (7.62 m), whereas the By-law permits a maximum encroachment of 0.46 m (18.0 in) into any required yard. This is an increase of 0.45 m (1.50 ft). Staff have no concerns with this requested variance.

Reduction in Minimum Side Yard Setback

The applicant is proposing a minimum side yard setback of 1.22 m (4.0 ft) for the one-storey portion along the westerly property line, and a setback of at least 2.64 m (8.66 ft) for the two-storey portion of the dwelling. Staff have advised the applicant that the variance

requested is not required as the proposed side yard setback complies with the By-law. Therefore, staff are of the opinion this variance can be removed and not be included in any decision of approval.

Tree Replacement & Preservation

The applicant submitted an arborist report dated December 9, 2019, and is proposing to protect seven trees, and to remove 12 trees located on the subject property as shown in the Arborist Report and Tree Preservation Plan attached as Appendix "C". The Arborist Report indicates that the proposed development will not impact the two boundary trees located on neighbouring properties. The applicant is also proposing to plant three additional trees in the front yard. In the event of any approval of this variance application, staff recommend that the Committee adopt the tree conditions provided in Appendix "A" in order to ensure that the appropriate protection and replacement of trees or cash-in-lieu of the removals are provided at the City's required rate.

PUBLIC INPUT SUMMARY

No additional written submissions were received with respect to the revised plans as of November 10, 2020. 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 proposed development meets the four tests of the *Planning Act*, and do not object to the revised variance requests related to floor area ratio, front yard setback, and an encroachment to the required front yard for the uncovered porch, stairs, and below grade cold cellar. Staff note that the variance related to a side yard setback is not required, and should not be included in the approval decision. Staff recommend that the Committee consider public input in reaching a decision, and that the conditions of approval provided in Appendix "A" be adopted by the Committee.

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.

APPENDICES

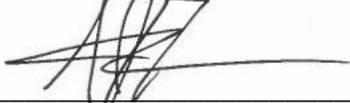
Appendix "A" – Revised Conditions of Approval

Appendix "B" – Revised Plans

Appendix "C" – Arborist Report & Tree Preservation Plan: December 9, 2019

Appendix "D" – Staff Report: February 25, 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/013/20

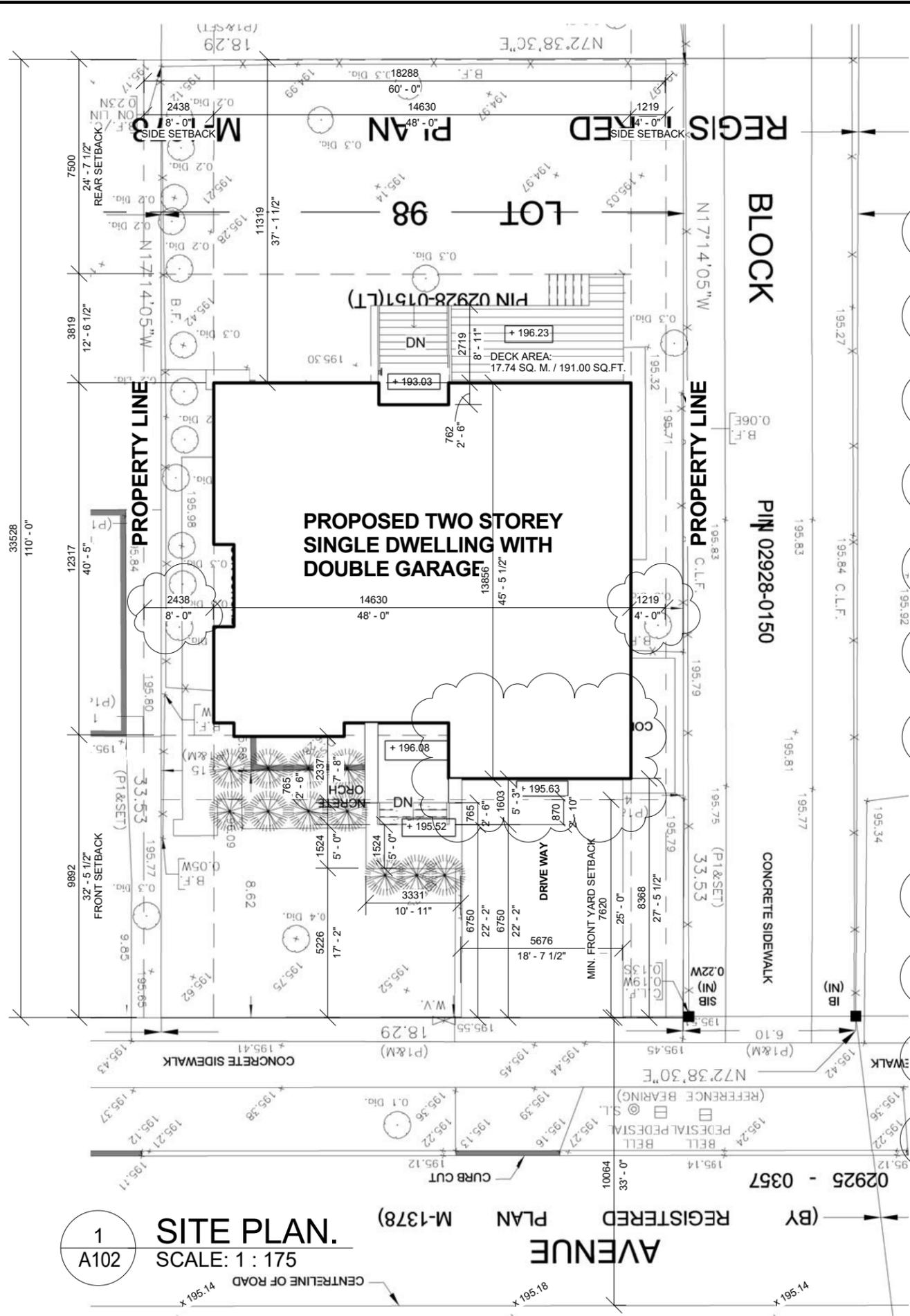
1. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report and received by the City of Markham on November 6, 2020, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
2. Submission of an Arborist Report & Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
3. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
4. That tree replacements be provided and/or tree replacement fees be paid to the City, including but not limited to Trees #3 – #9, #17, and #19 as identified in the Tree Preservation Plan attached in Appendix “C”, 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.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/013/20



SITE STATISTICS		By-Law No. 1229/99-90	
ZONING			
LOT AREA		613.16 SQ.M. / 6600 SQ. FT.	
LOT WIDTH & FRONTAGE		18.2 M. / 60 FT.	
LOT COVERAGE	PERMITTED	35.0%	
	PROPOSED	29.5%	
NET FLOOR AREA	MAX. PROPOSED	275.9 SQ.M. / 2970 SQ. FT. (45%) 304.54SQ.M. / 3278.07 SQ. FT. (49.7%)	
	GROUND FLOOR	142.72 SQ. M. / 1,536.26 SQ. FT. + GARAGE (41.29SQ. M./ 444.46 SQ. FT.)	
	SECOND FLOOR	120.53 SQ.M. / 1297.35 SQ. FT.	
	TOTAL:	263.25 SQ.M. / 2833.61 SQ. FT. (42.9%) + GARAGE (41.29 SQ. M./ 444.46 SQ. FT.) 304.54SQ.M. / 3278.07 SQ. FT. (49.7%)	
BUILDING HEIGHT	(MAX.) PERMITTED PROPOSED	9.80 M / 32.15 FT. 9.80 M / 32.15 FT.	
SETBACKS: FRONT(SOUTH)	(MIN.) PERMITTED PROPOSED	7.62M MIN / 25 FT. 8.36M / 27.46 FT.	
SETBACKS: SIDE(WEST)	(MIN.) PERMITTED PROPOSED	1.83M MIN / 6 FT. 1.83M / 6.0 FT	
SETBACKS: SIDE(EAST)	(MIN.) PERMITTED PROPOSED	1.83M MIN / 6 FT. 1.22M / 4.0 FT	
SETBACKS: REAR YARD (NORTH)	(MIN.) PERMITTED PROPOSED	7.5M MIN / 24.6 FT. 11.21M / 36.75 FT.	
MAX. BUILDING DEPTH	(MAX.) PERMITTED PROPOSED	16.8M / 55.12 FT. 13.86M / 45.46 FT.	
MAX. GARAGE WIDTH	(MAX.) PERMITTED PROPOSED	7.7M / 25.26 FT. 5.8M / 19.0 FT.	
MAX. LANDSCAPING	(MAX.) PERMITTED PROPOSED	N/A 60.5 %	

BASEMENT FLOOR	142.88 SQ.M.
GROUND FLOOR	142.72 SQ. M
GARAGE	41.29 SQ.M.
COVERED AREA	2.7 SQ.M.
EXTERIOR PORCH STAIRS	1.9 SQ.M.
2ND FLOOR	120.53 SQ.M.
TOTAL GROSS ABOVE GRADE FLOOR AREA 263.25 SQ.M + GARAGE 41.29SQ.M. = 304.54 SQ.M	
TOTAL CONSTRUCTION AREA = 452.02 SQ.M.	

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ISSUE RECORD		
1	ISSUED FOR ZONING	2019-11-25
2	REVISED FOR ZONING	2020-01-17
3	REVISED FOR ZONING	2020-02-12
4	REVISED FOR COA	2020-07-10
5	REVISED FOR COA	2020-10-30

IMPRESSIONS GROUP



95 Parkway Ave.

95 Parkway Ave., Markham ON
L3P 2H1

for
Owner

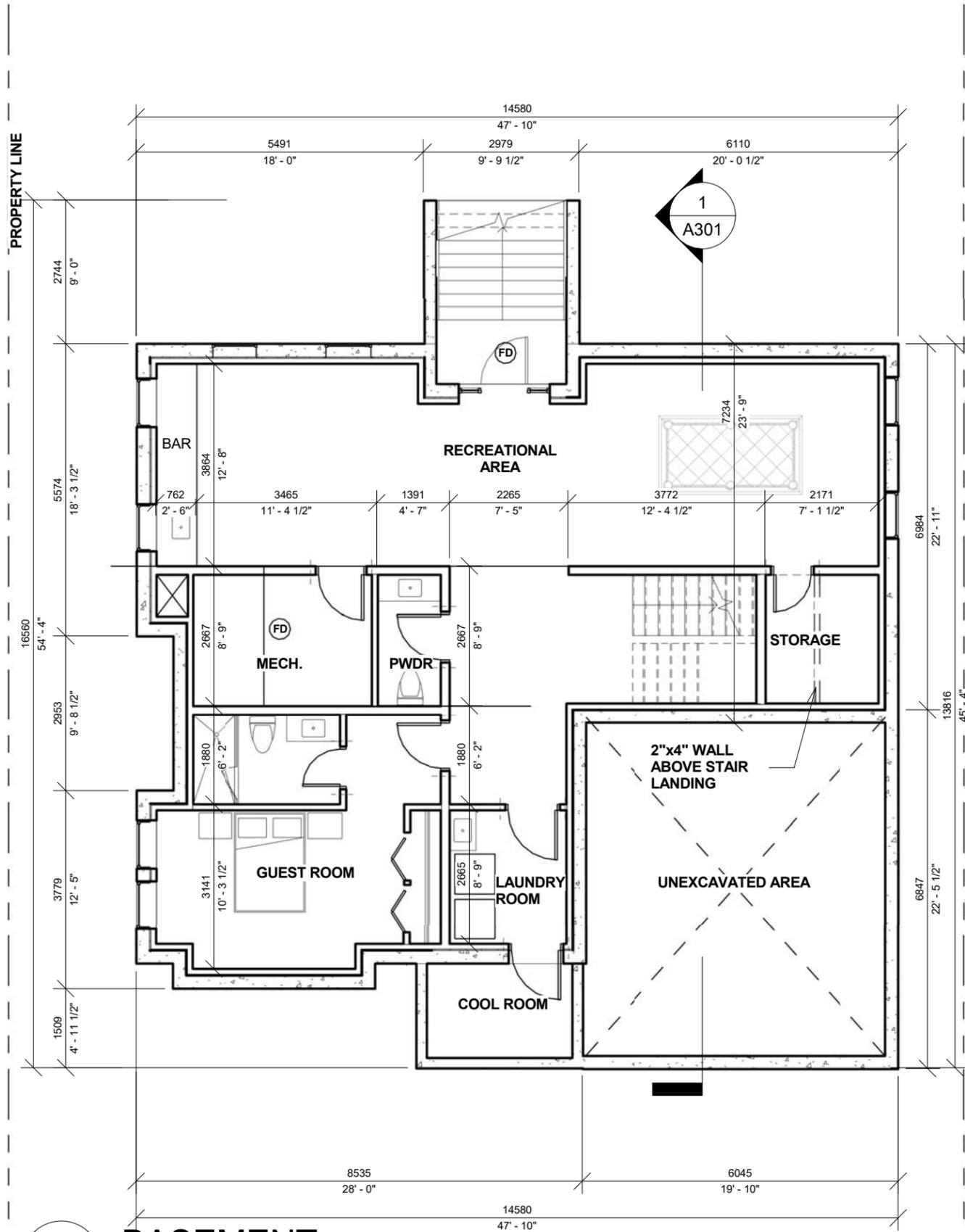
17034 PROJECT As indicated SCALE JC MDZ DRAWN REVIEWED

Site Plan

A102

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1 SITE PLAN.
SCALE: 1 : 175



GENERAL NOTES

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2. ALL TRADES TO VERIFY DIMENSIONS AND DATA HEREIN WITH EXISTING ON SITE.
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4. GENERAL CONTRACTOR TO PROVIDE ALL BLOCKING REQUIRED IN WALLS TO ACCOMMODATE INSTALLATION OF MILLWORK, ARTWORK, FURNITURE, WASHROOM ACCESSORIES, AND EQUIPMENT.
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7. DO NOT SCALE DRAWINGS.

- SA Smoke Alarms
- CMA Carbon Monoxide Alarms

1
A200
BASEMENT
SCALE: 1 : 100

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ISSUE RECORD

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2	REVISED FOR COA	2020-10-30

IMPRESSIONS GROUP

TRUE NORTH

95 Parkway Ave.

95 Parkway Ave., Markham ON L3P 2H1

for Owner

17034
PROJECT

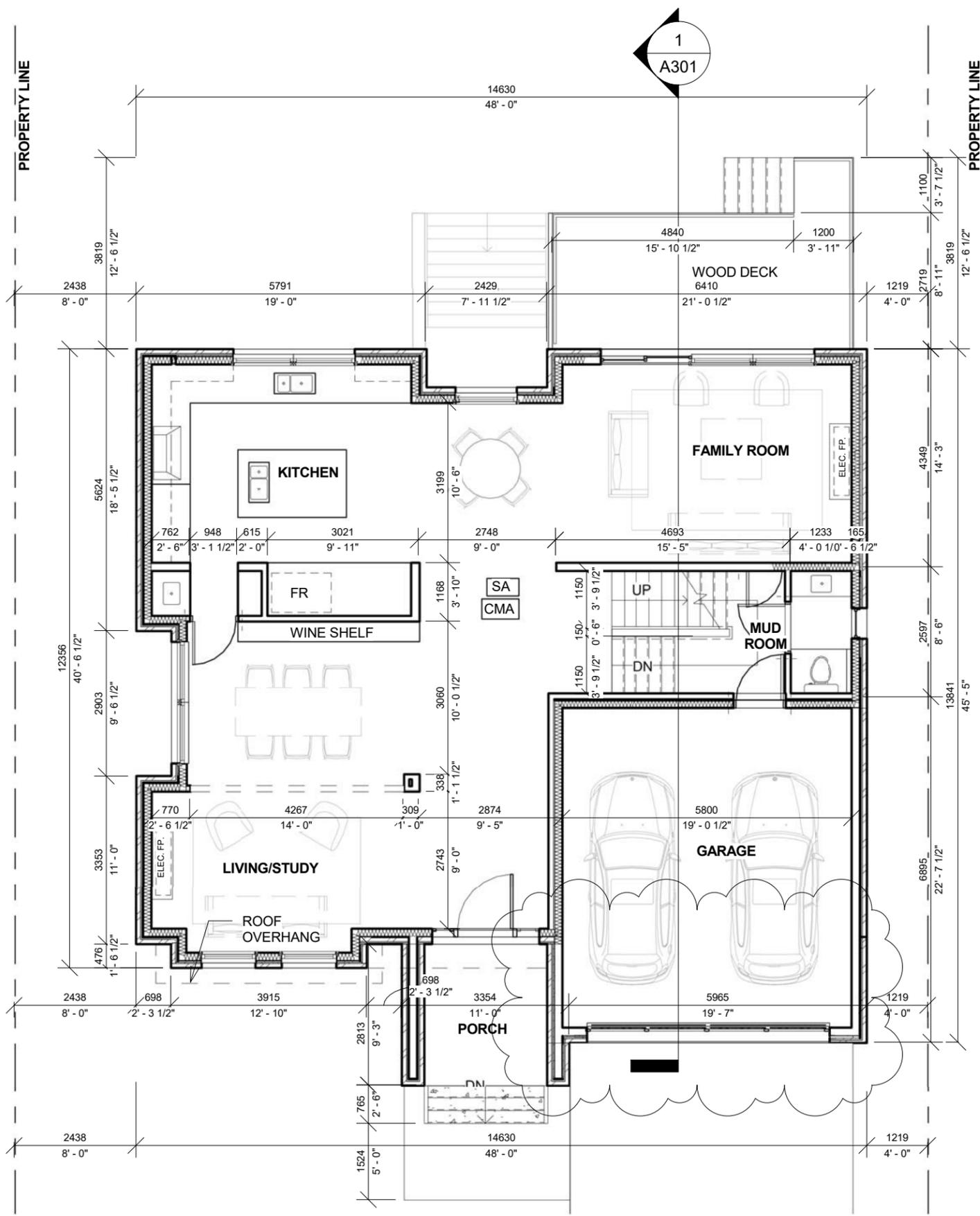
As indicated
SCALE

JC MDZ
DRAWN REVIEWED

BASEMENT PLAN

A200

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- CMA Carbon Monoxide Alarms

SPATIAL SEPARATION

OBC REFERENCE PART 9 (9.7.2.3 TABLE 9.7.2.3 GLASS AREAS FOR ROOMS OF RESIDENTIAL MINIMUM UNOBSTRUCTED GLASS AREA WITH ELECTRIC LIGHTING)

LOCATION	OBC REQUIRED	PROPOSED
KITCHEN:	-	5.2%
FAMILY ROOM:	5%	41.1%
DINNING ROOM:	10%	32.8%
LIVING /STUDY ROOM:	10%	13.6%
CORRIDOR:	5%	23.5%
GARAGE:	5%	38.3%

1 LEVEL 1 FLOOR PLAN
SCALE: 1 : 100

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3	REVISED FOR COA	2020-10-30



95 Parkway Ave.
95 Parkway Ave., Markham ON L3P 2H1
for Owner

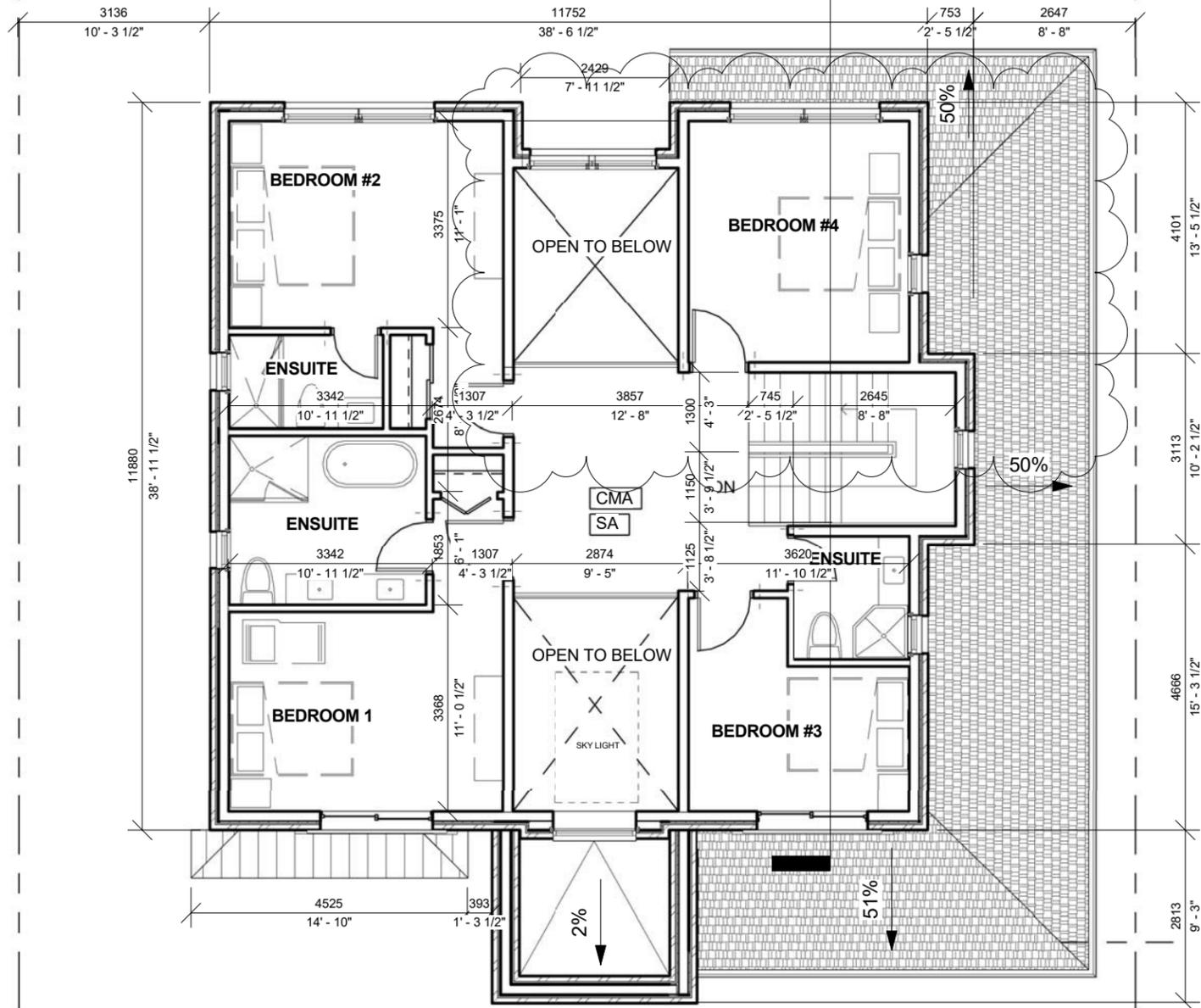
17034 PROJECT
As indicated SCALE
JC MDZ DRAWN REVIEWED

GROUND FLOOR PLAN
A201

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PROPERTY LINE

PROPERTY LINE



GENERAL NOTES

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- SA Smoke Alarms
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1 LEVEL 2 FLOOR PLAN
 A202 SCALE: 1 : 100

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IMPRESSIONS GROUP

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95 Parkway Ave.
 95 Parkway Ave., Markham ON L3P 2H1
 for Owner

17034 PROJECT As indicated SCALE JC MDZ DRAWN REVIEWED

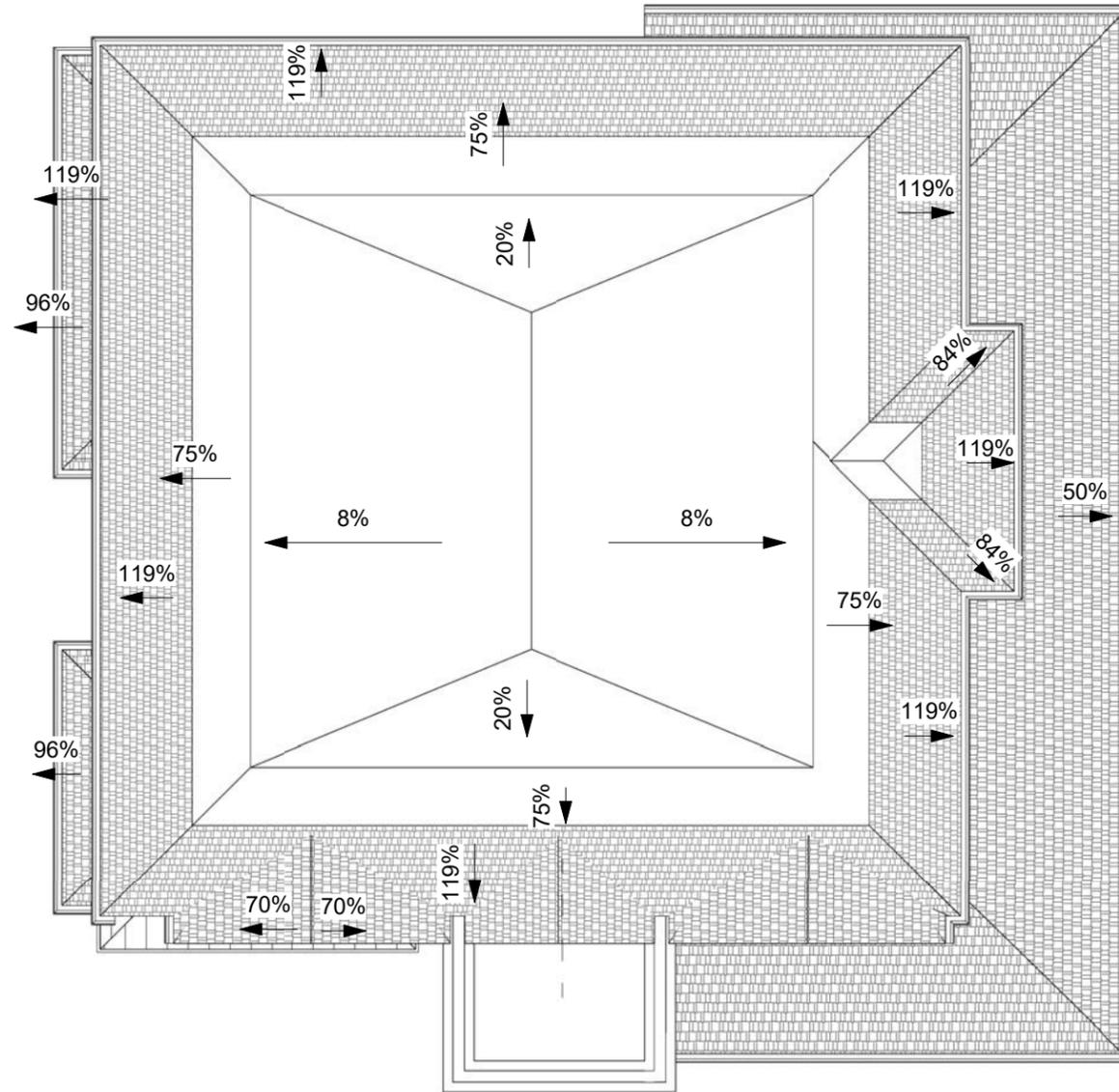
SECOND FLOOR PLAN
A202

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GENERAL NOTES

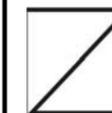
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1
A203

ROOF PLAN

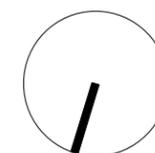
SCALE: 1 : 100



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ISSUE RECORD

NO.	DESCRIPTION	DATE
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TRUE NORTH

95 Parkway Ave.

95 Parkway Ave., Markham ON
 L3P 2H1

for
 Owner

17034 PROJECT As indicated SCALE JC MDZ DRAWN REVIEWED

Roof Plan

A203

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1 SOUTH ELEVATION
A401 SCALE: 1 : 75

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2	REVISED FOR ZONING	2020-02-12
3	REVISED FOR COA	2020-07-10
4	REVISED FOR COA	2020-10-30



95 Parkway Ave.

95 Parkway Ave., Markham ON
L3P 2H1

for
Owner

17034 PROJECT 1 : 75 SCALE JC MDZ DRAWN REVIEWED

BUILDING ELEVATION_SOUTH

A401

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2020-10-30 11:14:48 AM



1 WEST ELEVATION
A402 SCALE: 1 : 75

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95 Parkway Ave.

95 Parkway Ave., Markham ON
L3P 2H1
for
Owner

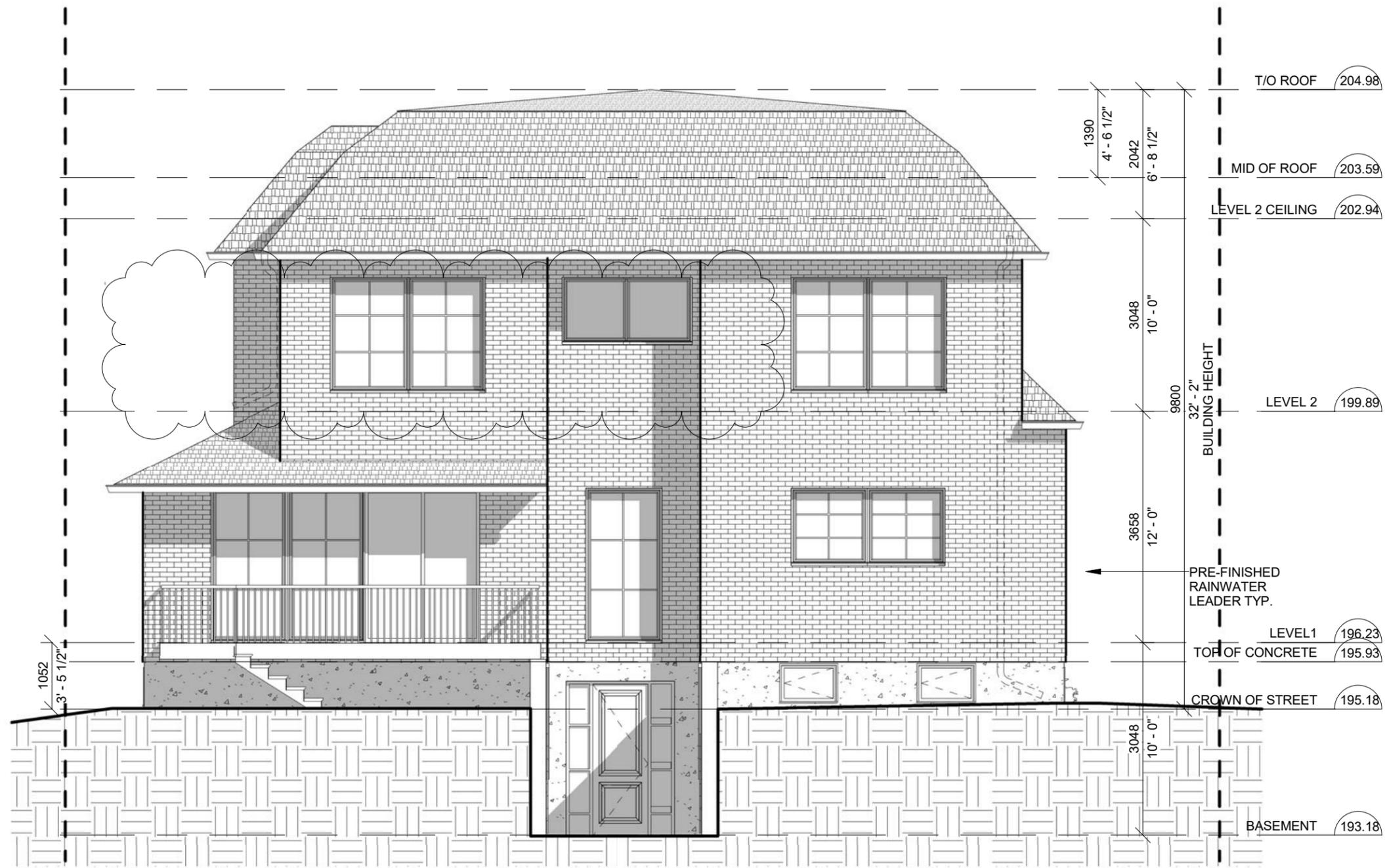
17034 PROJECT 1 : 75 SCALE JC MDZ DRAWN REVIEWED

BUILDING ELEVATION_WEST

A402

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95 Parkway Ave.
 95 Parkway Ave., Markham ON
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 for
 Owner

17034 PROJECT 1 : 75 SCALE JC MDZ DRAWN REVIEWED

BUILDING ELEVATION_NORTH

A403

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1 North Elevation
 A403 SCALE: 1 : 75

2020-10-30 11:14:50 AM



Z Square Consulting Inc.
 1100 Gordon Baker Road,
 Toronto, Ontario, M2H 3B3
 T 647 291 0088
 E info@zsquareconsulting.com
 W www.zsquareconsulting.com



ISSUE RECORD		
1	ISSUED FOR ZONING	2019-11-25
2	REVISED FOR ZONING	2020-02-12
3	REVISED FOR COA	2020-10-30



95 Parkway Ave.
 95 Parkway Ave., Markham ON
 L3P 2H1
 for
 Owner

17034 PROJECT 1 : 75 SCALE JC MDZ DRAWN REVIEWED

BUILDING ELEVATION_EAST

A404

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2020-10-30 11:14:52 AM

APPENDIX "C"
ARBORIST REPORT & TREE PRESERVATION PLAN: DECEMBER 9, 2019

ARBORIST REPORT FOR DEVELOPMENT APPLICATION

Prepared For:

Client

95 Parkway Avenue, Markham
L3P 2N1

Prepared By: Peter Wynnyczuk

For

Al Miley & Associates

EXPERT TREE CARE SOLUTIONS

203 Toryork Dr. • Toronto, Ontario M9L 1Y2 • almiley@yahoo.com
Tel: (416) 749-3723 • Fax: (416) 749-7158 • Toll Free: 1-888-949-3723

December 9, 2019

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City of Markham Tree Protection Criteria and Arborist Recommendations4-10

Trees on/off Property Overview and Pictures 10-16

Tree Protection, Removal and Planting Plan, December 9, 2019, Appendix “A”17

Introduction

The Owner proposes to demolish the existing house and move the proposed new 2 storey house back from the street at 95 Parkway Avenue, Markham. The lot currently has a single-family home on the lands.

Al Miley and Associates were retained to address the Development and Planning requirements of the City of Markham Tree Preservation requirements of the City as noted in the Private Tree Bylaw 2008-96 and Street Tree/Parks Bylaws 118-1999 and 2002-115.

This report is based on the information provided by November 29, 2019, in the form of;

- 1) Site Plan – Z – Square Consulting Ltd., dated Dec. 3, 2019 Plan A102

If other relevant information/plans become available or there are revisions, it may be necessary to review and update the Arborist Report.

Tree Information Collection Process and Review

A site inspection was carried out on December 7, 2019, by ground visual means, in winter condition to assess the trees within and adjacent to the above noted Site Plan. Details on the tree inventory are provided in the Tree Inventory Action Table below. Details on protection, removals and planting provided in the attached Tree Protection Removal and Planting Plan, Appendix “A”, December 9, 2019, which is to be read in conjunction with this Arborist Report. Trees were assessed for condition, as it relates to the development process with information to date, other condition/species factors, as well as their proximity to potential construction impacts. The Tree Protections Zones are proposed based on the information and site limitations available.

Street Tree Bylaw

There is one City newly planted tree fronting this property to be protected.

Front Yard trees

There is one Norway Maple in front to be protected with Tree Protection Barrier.

Side/Rear Yard Trees

There are several trees affected by the house and Septic Bed/tank construction as noted in the table below with appropriate replacement compensation plantings as noted below. Tree protection to be installed for the balance of the trees.

Offsite Trees

There is one (1) Norway Maple at #35 Sir Galahad rear to be protected with permit to injure for septic bed. The tree at #97 Parkway Avenue to be protected with tree protection barrier.

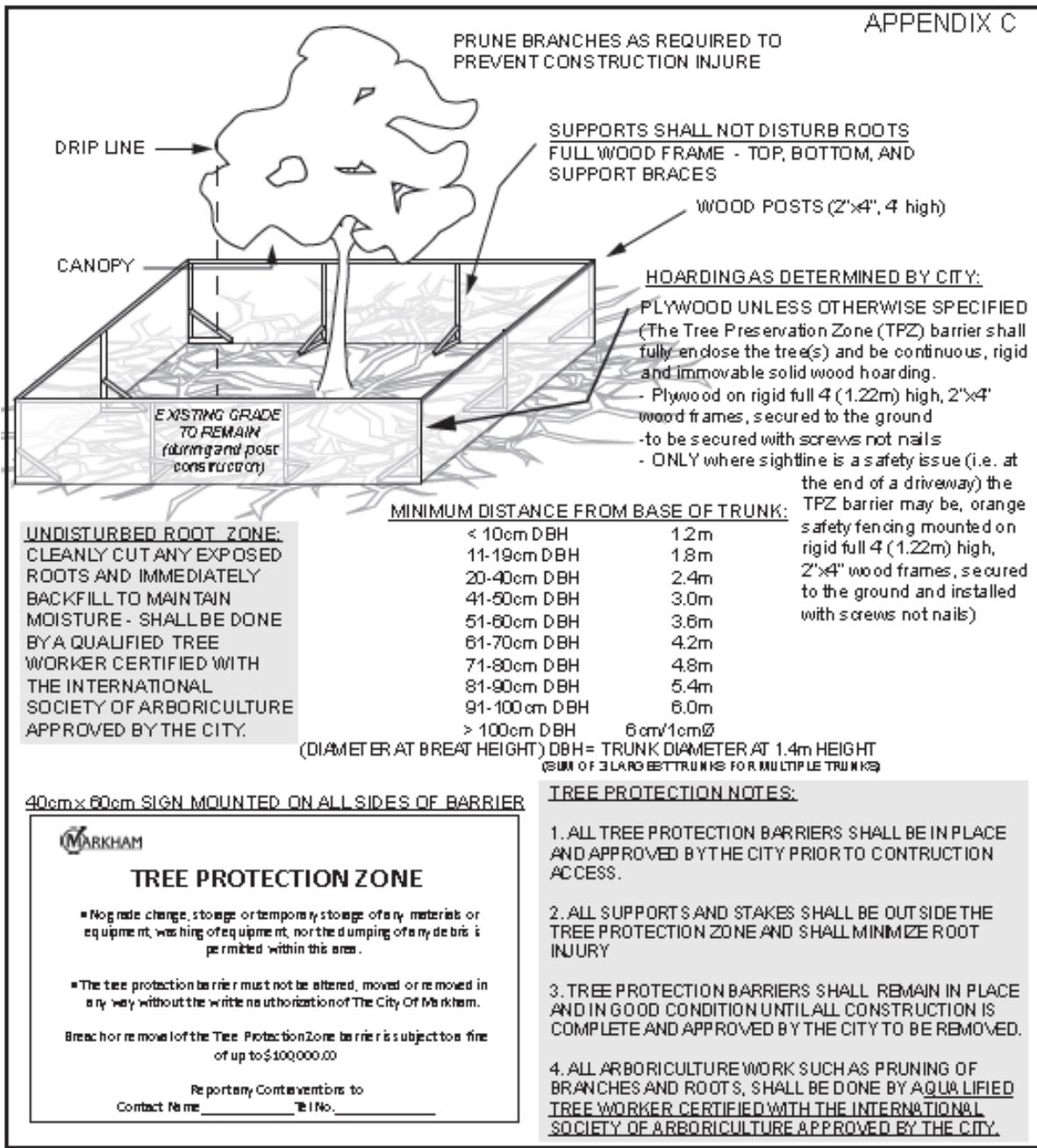
Tree Inventory/Action Table 1. NFA – Normal for Age, ddwd - deadwood

#	Species	DBH (cm)	Min . TPZ m	Ownership/ Location	Site Observations/Condition. Good- G, Fair-F, Poor-P	Suggestion in relation to Development /TPZ
1	Tulip Tree, Liriodendron tulipifera	40m m	1.2	City, Blvd, 1.5m E. Drive, Centred	F, Planting transition period	Install tree protection.
2	Norway Maple, Acer platanoides	44	3	Lawn, Centred	F, interfering growth, minor ddwd, low branches	Install tree protection.
3	White Cedar, Thuja occidentalis	16, 23	2.4	East Side yard, 1m N. door, 0,2m W. P/L	F, multiple leaders, ddwd, low branches, interfering growth	Remove construction 2 to 1 replacement
4	White Cedar, Thuja occidentalis	29	2.4	Opp. Door, 0.2m W. P/L	F, multiple leaders, ddwd, low branches, interfering growth, crowded	Remove construction 2 to 1 replacement
5	White Cedar, Thuja occidentalis	21	2.4	0.5m S. Door, 0.2m W. P/L	F, multiple leaders, ddwd, low branches, interfering growth, crowded	Remove construction 2 to 1 replacement
6	Siberian elm, Ulmus pumila	24	2.4	3.5m S. door, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded	Remove construction 2 to 1 replacement
7	Siberian elm, Ulmus pumila	19,19, 14, 14	4.2	4.5m S. Door, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded	Remove construction 2 to 1 replacement
8	Siberian elm, Ulmus pumila	24, 14, 10	3	0.3m N. SEC of house, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded, hole in trunk	Remove construction 2 to 1 replacement
9	Siberian elm, Ulmus pumila	27	2.4	1m S. SEC house, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded	Remove construction 2 to 1 replacement

#	Species	DBH (cm)	TPZ m	Ownership/ Location	Site Observations/Condition. Good- G, Fair-F, Poor-P	Suggestion in relation to Development /TPZ
10	Siberian elm, Ulmus pumila	23,23	3	4m S. SEC house, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded, welded trunks	Install tree protection
11	Siberian elm, Ulmus pumila	22,14	2.4	5.5m S. SEC house, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded, fence damage	Install tree protection.
12	Siberian elm, Ulmus pumila	20,14	2.4	6.0m S. SEC house, 0.2m W. P/L	F/P, multiple leaders, ddwd, low branches, interfering growth, crowded	Install tree protection.
13	Siberian elm, Ulmus pumila	15, 18	2.4	6.5m S. SEC house, 0.2m W. P/L	F/P, Dead leader, ddwd, low branches, interfering growth, crowded	Install tree protection.
14	Siberian elm, Ulmus pumila	20, 14	2.4	7.5m S. SEC house, 0.2m W. P/L	F, low branches, interfering growth, ddwd	Install tree protection.
15	Domestic Apple, Malus spp.	20, 10	2.4	5m E. P/L, 1.5m N. P/L	Dying, Maj. Ddwd, leader dieback	Remove Condition, no replacement proposed
16	Sugar Maple, Acer saccharum	30, 20	3	0.2m N. P/L, centred	Dying, significant dieback	Remove Condition, no replacement proposed
17	Domestic Apple, Malus spp.	17, 20, 22	3.6	3m S. House, centred	F, normal for age	Remove construction 3 to 1 replacement
18	Siberian elm, Ulmus pumila	20, 30, 15	4.2	Opp. SWC of house, in west fence	P, entwined in fence, low branches, interfering growth, adjacent to walkway	Remove Condition, no replacement proposed

#	Species	DBH (cm)	TPZ m	Ownership/ Location	Site Observations/Condition. Good- G, Fair-F, Poor-P	Suggestion in relation to Development /TPZ
19	Norway Maple, Acer platanoides	54	3.6	Opp. SWC of garage, 1m E. P/L	F, low branches, stubs, trunk restriction, bark split	Remove construction 3 to 1 replacement
A	Norway Maple, Acer platanoides	Est. 44	3	#97, 0.2m E. Drive 6m S. house	F, interfering growth,	Install tree protection.
B	Norway Maple, Acer platanoides	48	3	#35 Sir Galahad Place, Rear 1.5m S. P/L, 2m E. P/L	F, interfering growth,	Install tree protection.
	Trees to replace		#	20		
	Sugar Maple, Acer saccharum	60mm caliper	2	Location to be based on utility locates and owners needs	Planting to occur 1 st season after sod establishment	
	White Spruce, Picea glauca	200cm Ht.	2			
	Red Maple, Acer rubrum	60mm caliper	2			6 trees proposed to plant
						14 trees "Cash in Lieu"

Tree Protection Zone, TPZ, fencing. This is to be provided and installed as noted in the City of Markham Tree Protection Specifications as shown below. Details as to the placement of the TPB, is noted on the Tree Protection, Removal and Planting Plan, Appendix "A", December 9, 2019.



Vertical Tree Protection Zones are the minimum required distances where tree protection is to be put in place so that no construction activity of any kind will take place inside the Tree Protection Zone.

City of Markham Tree Protection Zone Table

City of Markham TREE PROTECTION ZONES		
DBH ¹	Minimum	Ideal
< 10 cm	1.2 m	1.2 m
11 – 19 cm	1.8 m	2.7 m
20 – 40 cm	2.4 m	3.6 m
41 – 50 cm	3.0 m	4.5 m
51 – 60 cm	3.6 m	5.4 m
61 – 70 cm	4.2 m	6.3 m
71 – 80 cm	4.8 m	7.2 m
81 – 90 cm	5.4 m	8.1 m
91 – 100 cm	6.0 m	9.0 m
> 100 cm	6 cm per	9 cm per

1. DBH (Diameter at Breast Height) is the diameter measurement of the tree's trunk at 1.37 metres up from base of tree. For trees with multiple trunks it is the total of the diameters of the 3 largest trunks at 1.37 metres up from base of tree.
2. TPZ distance is measured from the outside base of the tree. Minimum TPZ requirement or at the tree's dripline, whichever is greater.
3. TPZ distance is measured from the outside base of the tree. Ideal TPZ recommendation or at the tree's dripline, whichever is greater.

Replacement Plantings and Compensation

The City of Markham Replacement ratios based on DBH are as follows:

Greater than 81cm 5 to 1, 61 to 80cm 4 to 1, 41 to 60cm 3 to 1, 20 to 40cm 2 to 1, lower limit 20cm

Tree #3, 4, 5, 6, 7, 8, 9, 78 x 2 + 14 trees

Tree #17 and 19, 41cm to 60cm 2 x3 = 6 trees.

20 trees to replace

It is proposed to plant 6 trees onsite as there are several trees present, balance of 14 trees as cash in lieu.

Trees # 15, 16, + 18 remove due to condition with no replacement proposed.

Compensation is \$600.00/tree or the most recent fees set by the City.

Permit to injure Trees and Recommendation:

For tree “B”, a permit to injure is required for work inside the tree protection zone.

This entails the services of an arborist named in the undertaking signed by the owner to:

- 1) Notify the Arborist of any work proposed within the tree protection zone at least 3 working days before work is scheduled.
- 2) Arborist to be onsite during any activity within the tree protection zone to oversee any excavation/root disturbance, to note size and proximity of roots to tree, address any roots found by cleanly cutting roots up to 5cm and providing pictures before and after roots cut.
- 3) Arborist to compile information and form a short report on the findings within the tree protection zone, how they were addressed and any further recommendations for the owner to implement to reduce the impacts of development on tree health.

Pre, During, and Post Construction Arboriculture Supervision

It is recommended there be meetings and inspections scheduled to help address the Arborist Report recommendations as noted below;

Preconstruction

- 1) Pre-construction meeting with the Owner and General Contractor to mark out the TPB areas and set the parameters for the various contractors who will be on site.
- 2) Tree removals are not to affect trees to be retained. Shed/Deck to be removed prior to tree protection installation.
- 3) Verification by the Arborist of TPB installation with notification to the City and Client by email.

During Construction

- 1) Permit to injure when work inside tree protection zone as noted above and shown on Tree Protection, Removal and Planting Plan Appendix “A”.
- 2) Monthly onsite inspection, if required, to verify integrity of TPB and identification of any issues related to the trees during the construction to final grading. Document findings and send report and recommendations, if any to the City and Client of any action needed as required to retain trees noted.
- 3) Site inspection as required by the City or the Client to address tree issues and make recommendations as issues arise.
- 4) Inspection prior to final site cleanup to verify trees condition and authorize removal of TPB structures. Report any issues if needed for Client follow-up.

Post construction

- 1) Proposed inspection, upon completion of construction and after sod has been laid. This is to inspect retained trees to note any additional work, verify compliance to the City of Markham Tree Permit and approved Tree Preservation Plan. This may include actions such as pruning, aeration, deep root fertilizing or other recommended work.
- 2) Verification of planting if required.

The information and recommendations noted in this report are based on the information provided by the client at the time the report was written. Any updates or changes in design, require the review of the Arborist report in relation to the changes presented. There may be revisions to this Arborist report to address the site changes, as it relates to the tree protection/planting noted.

All tree work is to be carried out by a certified/apprentice Arborist by the Ontario College of Trades, Ministry of Training Colleges and Universities, or the ISA program. Further by education and experience, to competently carry out the work to Arboricultural specifications.

It is the Owners responsibility to abide by and follow any conditions set out by the City of Markham related to Tree Removal/Protection/Planting activities for the duration of the development activity.

Prepared for:

Al Miley and Associates



Peter Wynnyczuk

Hazard Risk Assessor Certified, ISA Utility Arborist #400113535 under MTCU

Butternut Health Assessor #591

ISA Certified Arborist ON-2067A

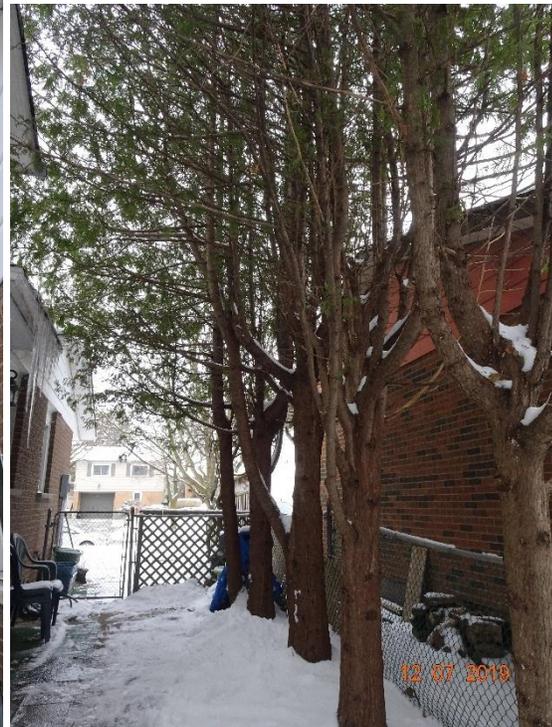


to be installed.

Picture 1. From East, City tree 1, tree protection



Picture 2. From North West, tree 2 on right to retain. Offsite Tree "A" to be protected. Install tree protection.



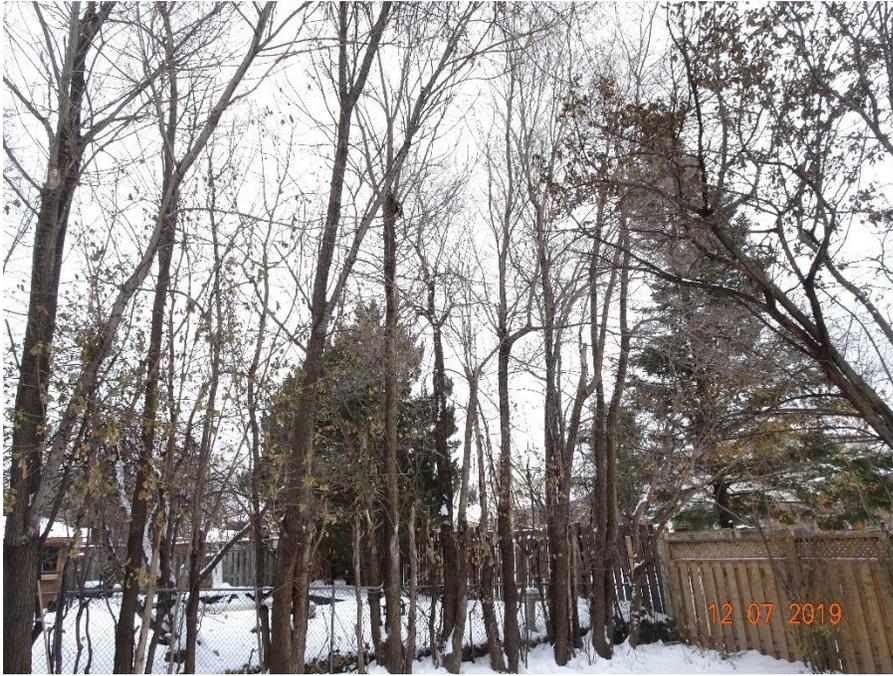
Picture 3. A + B. A. From North showing trees 3 to 14 hedge, most to remove due to construction. B. From South showing tree #5 to # 3 with undersized tree. To remove with compensation planting as noted in Table.



Picture 4. A. + B. A, From South showing tree #8 to # 3, all to be removed due to construction. B. Overview of row of trees in relation to existing house.



Picture 5. From West showing tree #8, #9, opposite shed in background, both to remove. Tree #10 and to right to be retained and protected.



Picture 6. From West, Tree #9 on left to remove and balance to retain. Tree Protection to be installed for tree #10 and rest on left of picture.



Picture 7. From North East, Tree 315, dying Apple to be removed no compensation proposed.



Picture 8. From North West, dying Sugar Maple to be removed, no compensation planting proposed.



Picture 9. From East, showing tree #17, to be removed, house and septic tank/bed impacts. 3 to 1 replacement proposed.



Picture 10. From South East, Tree #18, proposed for removal based on condition and interference with walkway. No replacement proposed.



Picture 11. A. + B. A. From South overview of tree and stubs. B. From East, showing trunk seam. To be removed with 3 to 1 replacement.



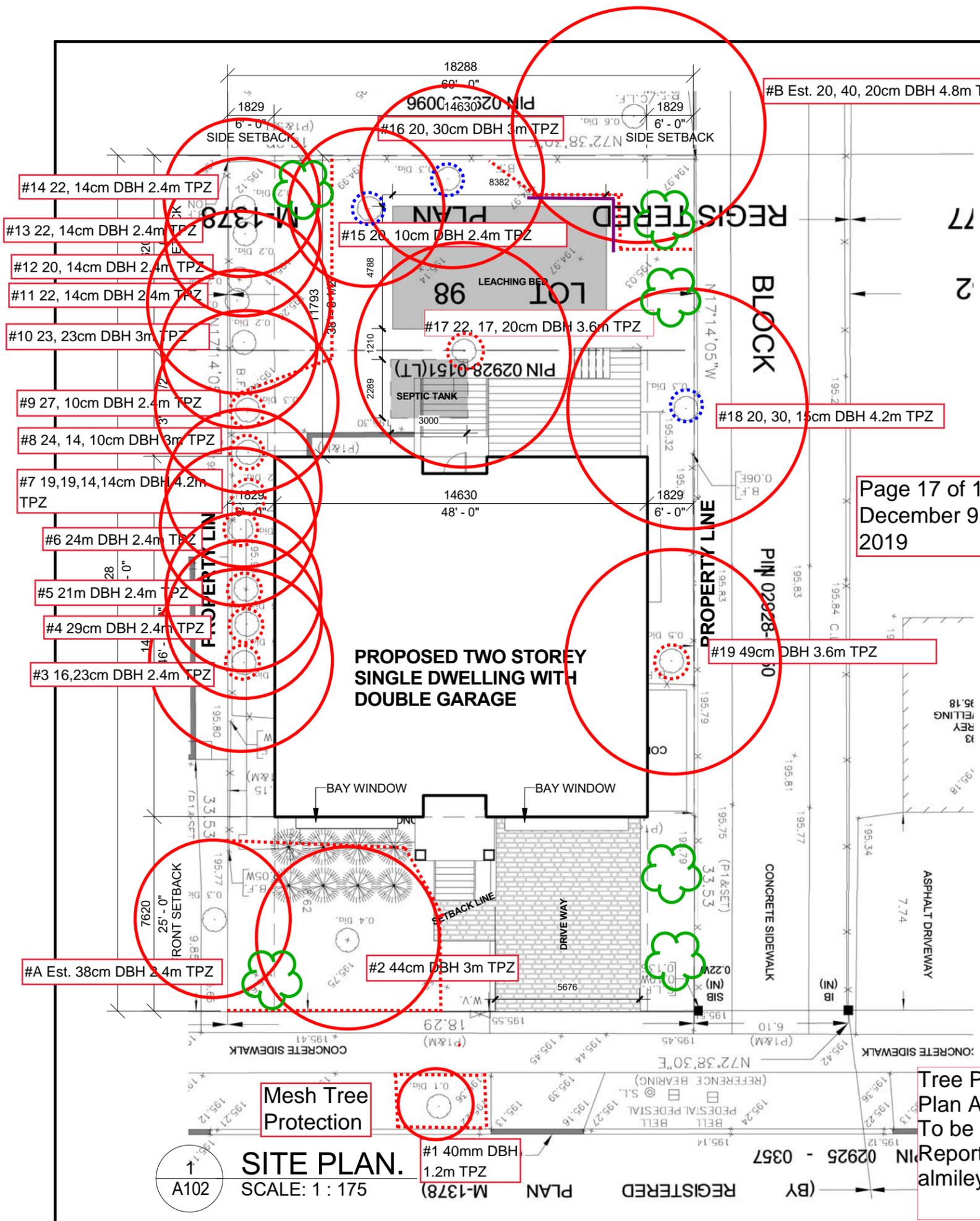
Picture 12. A. + B. A. From South offsite Tree "A" to be protected. B. From south showing dieback and seams on leaders.



Picture 13. From North East tree "B" to be retained with permit to injure for septic bed.

Page 17. 95 Parkway Avenue Tree Protection Removal and Planting Plan, December 9, 2019, Appendix "A"

Separate PDF Plan



SITE PLAN.
SCALE: 1 : 175

Tree Protection, Removal and Planting Plan Appendix "A"
To be read in conjunction with Arborist Report by Al Miley and Associates
almiley@yahoo.com

SITE STATISTICS

By-Law No. 1229/99-90

ZONING: LOT, LOT, LOT, NET, JUL, ETE, SETE, SETE, SETE, MAX, MAX

APPENDIX C

PRUNE BRANCHES AS REQUIRED TO PREVENT CONSTRUCTION INJURE

SUPPORTS SHALL NOT DISTURB ROOTS
FULL WOOD FRAME - TOP, BOTTOM, AND SUPPORT BRACES

WOOD POSTS (2"x4", 4 High)

HOARDING AS DETERMINED BY CITY:
PLYWOOD UNLESS OTHERWISE SPECIFIED (The Tree Preservation Zone (TPZ) barrier shall fully enclose the tree(s) and be continuous, rigid and immovable solid wood hoarding.
- Plywood on rigid full 4" (1.22m) high, 2"x4" wood frames, secured to the ground
- to be secured with screws not nails
- ONLY where sightline is a safety issue (i.e. at the end of a driveway) the TPZ barrier may be, orange safety fencing mounted on rigid full 4" (1.22m) high, 2"x4" wood frames, secured to the ground and installed with screws not nails)

EXISTING GRADE TO REMAIN (running and post connections)

MINIMUM DISTANCE FROM BASE OF TRUNK:

< 10cm DBH	1.2m
11-19cm DBH	1.8m
20-40cm 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	6m/1cm ²

(DIAMETER AT GREAT HEIGHT) DBH = TRUNK DIAMETER AT 1.4m HEIGHT
(DIAMETER OF STAMP BETWEEN AND FOR MULTIPLE TRUNKS)

UNDISTURBED ROOT ZONE:
CLEANLY CUT ANY EXPOSED ROOTS AND IMMEDIATELY BACKFILL TO MAINTAIN MOISTURE - SHALL BE DONE BY A QUALIFIED TREE WORKER CERTIFIED WITH THE INTERNATIONAL SOCIETY OF ARBORICULTURE APPROVED BY THE CITY.

90cm x 60cm SIGN MOUNTED ON ALL SIDES OF BARRIER

TREE PROTECTION ZONE

* No pile change, storage or temporary storage of materials or equipment, washing of equipment, nor the dumping of any debris is permitted within this area.

* The tree protection barrier must not be altered, moved or removed in any way without the written authorization of the City of Markham.

* Breach or removal of the Tree Protection Zone barrier is subject to a fine of up to \$200,000.00

Contact Name: _____

TREE PROTECTION NOTES:

1. ALL TREE PROTECTION BARRIERS SHALL BE IN PLACE AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION ACCESS.
2. ALL SUPPORTS AND STAKES SHALL BE OUTSIDE THE TREE PROTECTION ZONE AND SHALL MINIMIZE ROOT INJURY
3. TREE PROTECTION BARRIERS SHALL REMAIN IN PLACE AND IN GOOD CONDITION UNTIL ALL CONSTRUCTION IS COMPLETE AND APPROVED BY THE CITY TO BE REMOVED.
4. 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 CITY.

BASEMENT FLOOR	123.8 SQ.M.
GROUND FLOOR	128.4 SQ.M.
GARAGE	34.2 SQ.M.
COVERED AREA	2.7 SQ.M.
EXTERIOR PORCH STAIRS	2.5 SQ.M.
2ND FLOOR	165.5 SQ.M.
BALCONY AREA	2.8 SQ.M.
TOTAL GROSS FLOOR AREA 293.9 SQ.M. + GARAGE 34.2 SQ.M. = 328.1 SQ.M	
TOTAL CONSTRUCTION AREA = 459.9 SQ.M.	

Legend

- Tree Protection Zone
- Tree Protection Barrier
- Tree to Remove construction
- Tree To remove Condition or Species
- Potential Permit to Injure Area (Pending Details)
- Tree Planting Location

ISSUE RECORD

1	FOR ZONING CERTIFICATE	2019-11-25

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95 Parkway Ave.
95 Parkway Ave., Markham ON
L3P 2H1
for Owner

17034 As indicated JC MDZ
PROJECT SCALE DRAWN REVIEWED

Site Plan

A102

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2019-12-03 1:16:43 PM

APPENDIX "D"
STAFF REPORT: FEBRUARY 25, 2020

MEMORANDUM

DATE: February 25, 2020
TO: Chairman and Members, Committee of Adjustment
FILE: A/013/20
ADDRESS: 95 Parkway Avenue – Markham, ON
HEARING DATE: March 4, 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 floor area ratio of 57.3%, whereas the By-law permits a maximum of 45%;
- b) **Section 11.2 (c)(i):**
An unenclosed porch (inc. cold cellar below) and stairs to encroach 11 ft 2 in into the required front yard, whereas the By-law permits a maximum encroachment of 18 in for an unenclosed porch and stairs;
- c) **Section 11.2 (c)(i):**
A minimum front yard of 23 ft 3 in (25 ft 0 in - 1 ft - 9 in bay window), whereas the By-law requires a minimum front yard of 25 ft.

The applicant submitted plans to the City of Markham in support of their variance application on January 29, 2020. Planning staff are concerned with the application regarding the mass and scale of the proposed dwelling within the context of the surrounding established neighbourhood which will result from the proposed floor area ratio and stair encroachment, and therefore do not support the application as applied for. Planning staff have communicated this with the applicant, and recommend that the application be deferred sine die to provide the applicant with adequate time to address staff concerns.

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District