

Memorandum to the City of Markham Committee of Adjustment

November 10, 2021

File: A/122/21
Address: 62 Fred Varley Drive, Markham
Applicant: Lijuan Sun c/o Sujuan Wei
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday November 24, 2021

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, to permit:

a) Section 6.1:

an interior side yard setback of 5 feet (1.52 m) (east) and 5 feet (1.52 m) (west), whereas the By-law requires an interior side yard setback of 6 feet (1.83 m) for the two-storey portion of the dwelling;

b) Section 6.1:

a maximum lot coverage 34.96 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;

c) Section 6.1:

a maximum building height of 26 feet 10 inches (8.18 m), whereas the By-law permits a maximum building height of 25 feet (7.62 m);

as it relates to a proposed two-storey dwelling.

BACKGROUND

The Committee of Adjustment initially deferred this application at the September 8, 2021 meeting to allow the Applicant to revise the requested setback and lot coverage variances. The application was brought back to the Committee of Adjustment on October 6, 2021 and subsequently deferred once again to give the Applicant the opportunity to revise the plans to better align with the By-law standards related to height, as detailed in the minutes extract contained in Appendix “A”.

Table 1 below shows a comparison between the variances from the initial submission and the current revised submission.

Table 1 – Changes in Variances Comparison Chart			
Development Standards	R4 Zone Requirement	Initial Variance Request	Current Variance Request
Minimum Interior Side Yard Setback (for two-storeys)	6 feet (1.83 m)	4 feet (1.22 m) and 5 feet (1.52 m)	5 feet (1.52 m)
Maximum Lot Coverage	33.33%	36.19%	34.96%

Table 1 – Changes in Variances Comparison Chart			
Development Standards	R4 Zone Requirement	Initial Variance Request	Current Variance Request
Maximum Building Height	25 feet (7.62 m)	27 feet and 10 5/8 inches (8.5 metres)	26 feet 10 inches (8.18m)

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The Applicant has not conducted a ZPR for the revised plans. Consequently it is the Owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

Staff have reviewed the revised plans and advise that the comments from the previous report remain applicable (Appendix "C"). Staff are of the opinion that the requested variances appropriately reflect the recent infill development trend in the Varley Village neighbourhood and will not result in adverse impacts to neighbouring properties.

PUBLIC INPUT SUMMARY

It should be noted that the City received two letters of support for the initial variances. Following the first hearing, the City received a letter expressing concerns over the requested height and lot coverage variances. Two residents also spoke in opposition to the application at both the initial and second hearing.

No additional written submissions were received as of November 10, 2021. It is noted that additional information may be received after the writing of this 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 objections. Staff recommend that the Committee consider any public input in reaching a decision.

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

Please see Appendix "D" for a revised list of conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

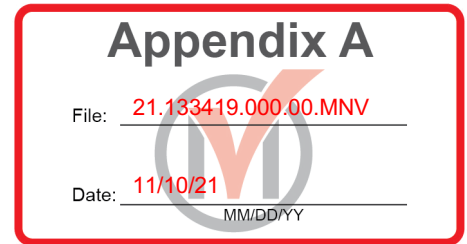
APPENDICES

Appendix "A" – Minutes Extract (October 6, 2021)

Appendix "B" – Revised Plans

Appendix "C" – Staff Report (September 29, 2021)

Appendix "D" – Revised Conditions of Approval



5. A/097/21

Owner Name: Valerie Patel
Agent Name: Nikol Paar
80 Peter Street, Markham
PLAN 3905 LOT 18

The applicant is requesting relief from the requirements of By-law 1229 as amended to permit:

- a) Amending By-law 99-90, Section 1.2 (I):**
a maximum building height of 10.08 m, whereas the By-law permits a maximum building height of 9.80 m;
- b) Amending By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 52.0 percent, whereas the By-law permits a maximum floor area ratio of 45.0 percent;

as it relates to a proposed new detached dwelling. **(East District, Ward 4)**

The Secretary-Treasurer introduced the application.

The agent Nikol Paar spoke on the application. She indicated changes to the proposal have been made according to Committee comments.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No A/097/21 be approved subject to conditions contained in the staff report.

Resolution Carried

6. A/122/21

Owner Name: Sujuan Wei
Agent Name: AND Architecture Inc. (Sam Wu)
62 Fred Varley Drive, Markham
PLAN 7566 LOT 358

The applicant is requesting relief from the requirements of By-law 11-72 as amended to permit:

- a) **Section 6.1:**
an interior side yard setback of 5 feet (east) and 5 feet (west), whereas the By-law requires an interior side yard setback of 6 feet;
- b) **Section 6.1:**
a maximum lot coverage 34.96 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6.1:**
a maximum building height of 27 feet and 10 5/8 inches (8.5 metres), whereas the By-law permits a maximum building height of 25 feet;

as it relates to a proposed 2-storey dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent David Johnston spoke on this application. Changes have been made to the proposal and letters of support from the adjacent property-owners have been obtained.

Ian Free of 145 Krieghoff Avenue spoke on this application. He continues to support the proposal.

Christiane Beauger-Free of 145 Krieghoff Avenue spoke on this application. She is concerned about water runoff being negatively impacted.

Committee member Patrick Sampson raised concern with the building height.

Committee member Arun Prasad asked if updated drawings could be provided.

Committee member Tom Gutfreund raised concerns with the proposal and that updated drawings are not available.

Moved By: Arun Prasad
Seconded By: Kelvin Kwok

THAT Application No A/122/21 be deferred sine die

Resolution Carried

Appendix B

File: 21.133419.000.00.MNV

Date: 11/10/21
MM/DD/YY



62 FRED VARLEY DR., UNIONVILLE

<div><div></div><div>AND ARCHITECTURE INC. 3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca</div></div>			
4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No AND21024
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale :	
Drawing Name :		Drawn by : MG	Drawing No A0
3D RENDERING		Checked by : HW	

Appendix B

File: 21.133419.000.00.MNV

Date: 11/10/21
MM/DD/YY

SITE STATISTICS

ZONING CATOGORY: R4
LOT AREA: 579.63m²

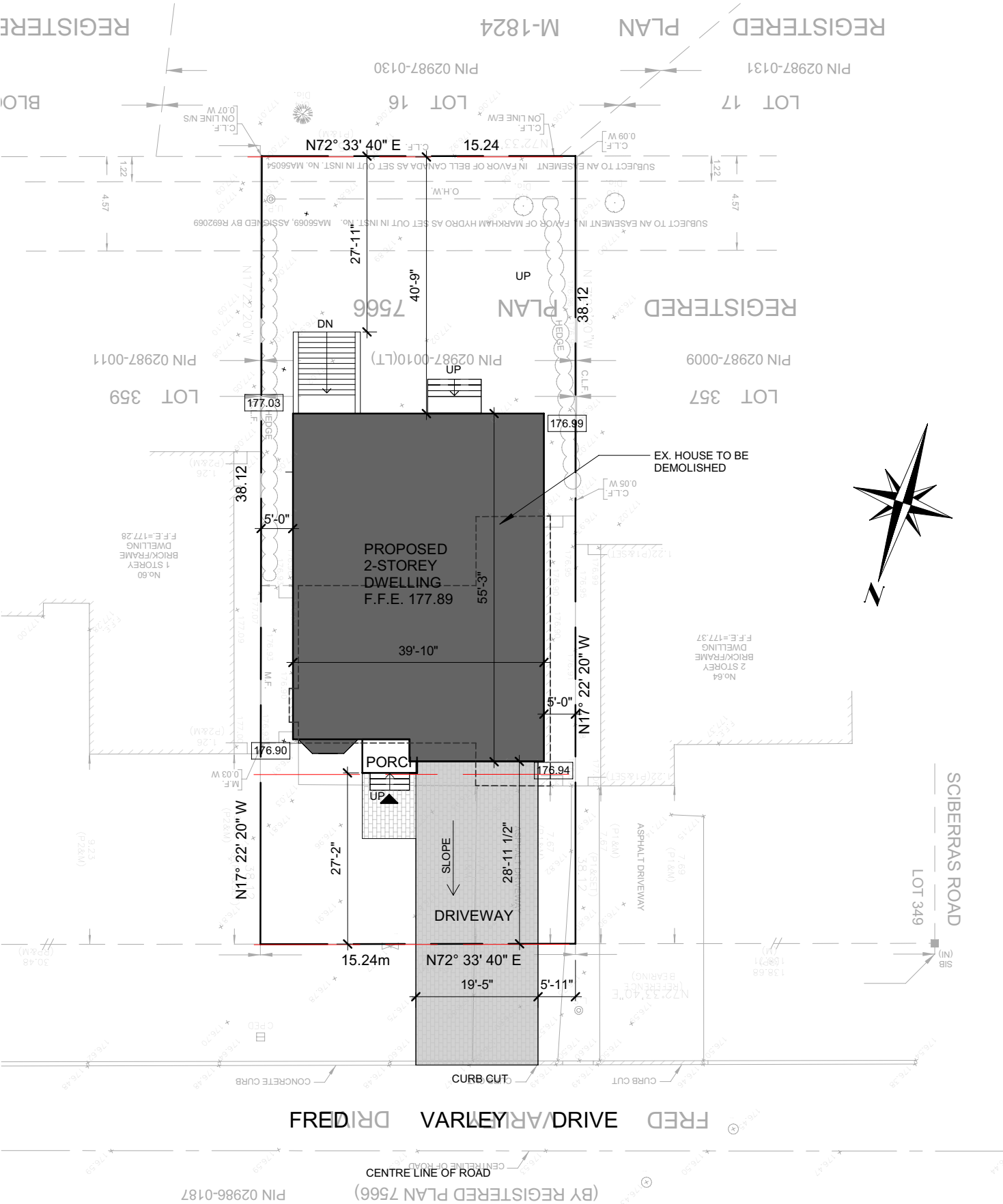
DESCRIPTION	PERMITTED/REQUIRED	PROPOSED
LOT COVERAGE	33.33% MAX.	34.96%
BUILDING HEIGHT	25'-0" MAX.	26'-10"
FRONT YARD SETBACK	27'-0" MIN.	27'-3"
REAR YARD SETBACKS	25'-0" MIN.	40'-9"
SIDE YARD SETBACKS	6'-0" MIN.	5'-0"

GROSS FLOOR AREA (GFA)*

FLOOR	GFA
GROUND FLOOR	158.75 m ² (1,709 SF)
SECOND FLOOR	187.33 m ² (2,016 SF)
TOTAL	346.08 m ² * (3,725 SF)

BASEMENT 158.75 m² (1,709 SF)
GARAGE 39.97 m² (430 SF)

* GROSS AREA DOES NOT INCLUDE GARAGE AND BASEMENT



1 SITE PLAN
1 : 250

AND ARCHITECTURE INC.
3950 14th Avenue, Suite 609
Markham, ON L3R 0A9
905-604-6960
info@andarchitectureinc.com
www.andarchitecture.ca


4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : As indicated	AND21024
Drawing Name : SITE PLAN		Drawn by : SW Checked by : HW	Drawing No A1

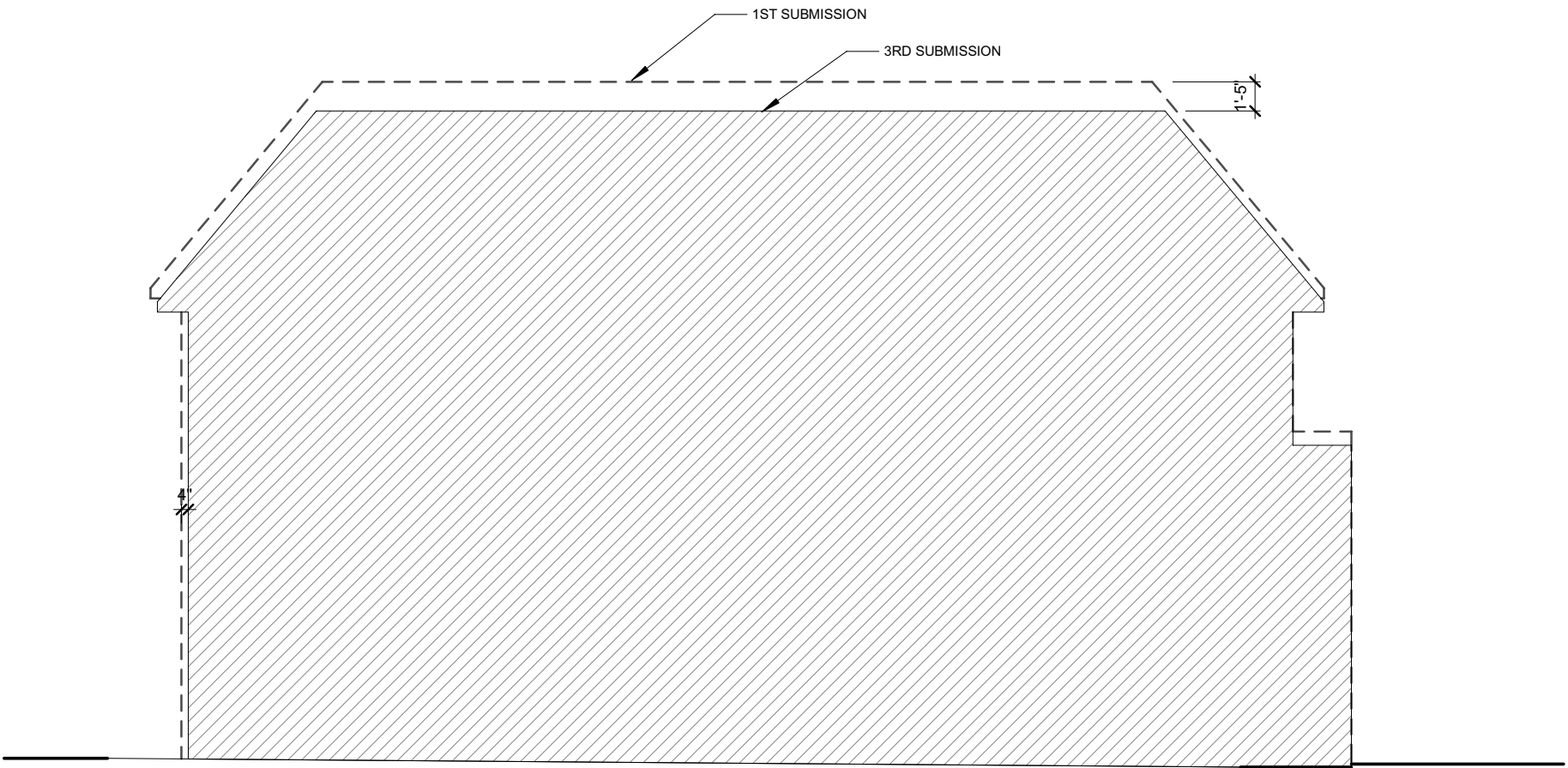
Appendix B

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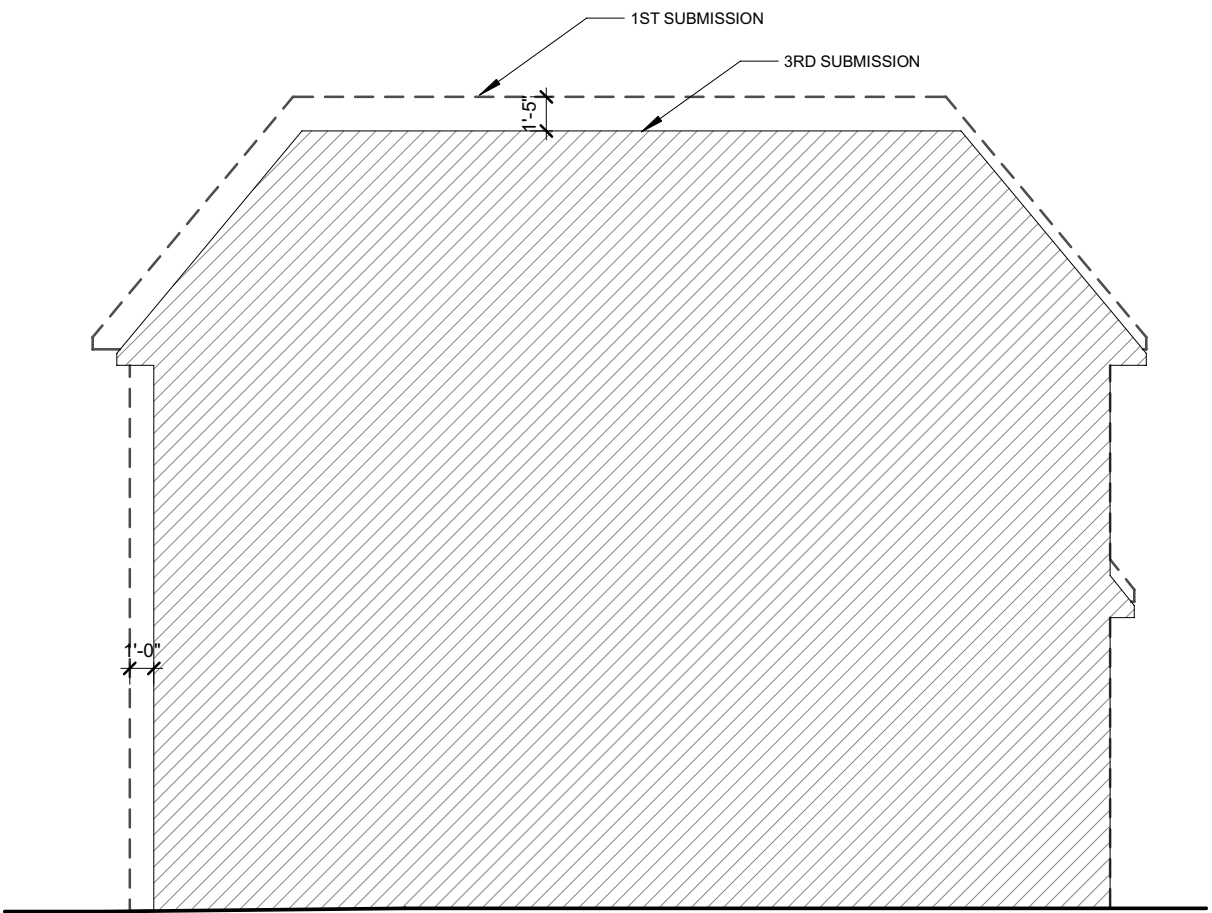


1 BUILDING SECTION
1/8" = 1'-0"

<div><div></div><div><div>AND ARCHITECTURE INC.</div><div>3950 14th Avenue, Suite 609</div><div>Markham, ON L3R 0A9</div><div>905-604-6960</div><div>info@andarchitectureinc.com</div><div>www.andarchitecture.ca</div></div></div>			
4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project :		Date :	Project No
PRIVATE RESIDENCE		Issue Date	
62 FRED VARLEY DRIVE		Scale :	
MARKHAM ONTARIO		1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by :	Drawing No
BUILDING SECTION		SW	
		Checked by :	
		Checker	A10



1 EAST ELEVATION MESSING COMPARE
1/8" = 1'-0"



2 NORTH ELEVATION MESSING COMPARE
1/8" = 1'-0"

Appendix B

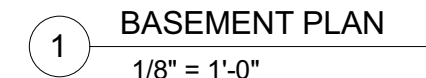
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MM/DD/YY




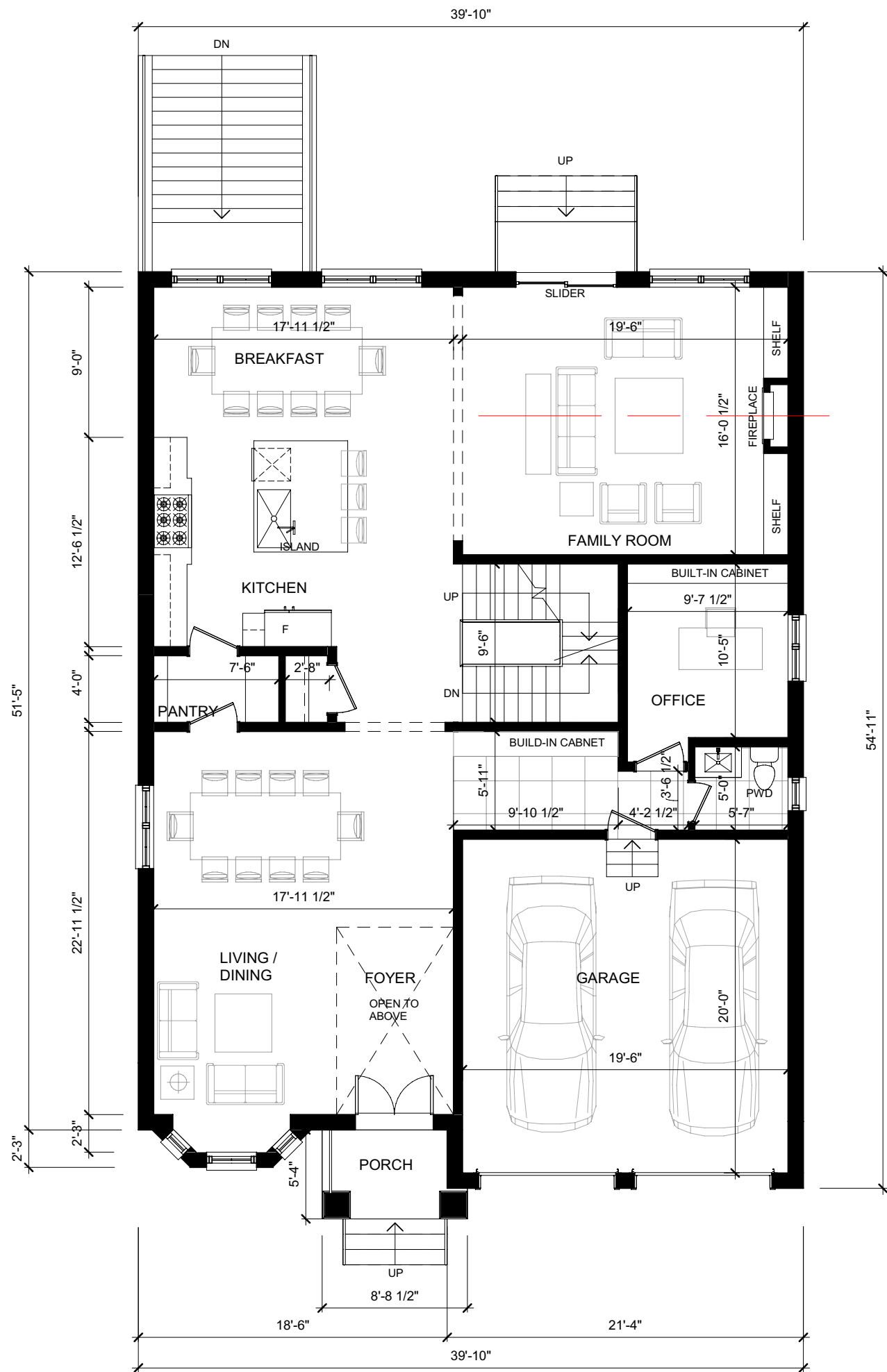
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3950 14th Avenue, Suite 609
Markham, ON L3R 0A9
905-604-6960
info@andarchitectureinc.com
www.andarchitecture.ca

No.	Date:	Issued/Revision:		By
Project : PRIVATE RESIDENCE 62 FRED VARLEY DRIVE MARKHAM ONTARIO		Date :	Project No	
		Issue Date	AND21024	
		Scale : 1/8" = 1'-0"		
Drawing Name : MESSING COMPARE		Drawn by : Author	Drawing No	
		Checked by : Checker	A11	



File: 21.133419.000.00.MNV
Date: 11/10/21
MM/DD/YY

		AND ARCHITECTURE INC. 3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca		
4	2021.10.14	REISSUED FOR C.O.A.		SW
No.	Date:	Issued/Revision:		By
Project : PRIVATE RESIDENCE 62 FRED VARLEY DRIVE MARKHAM ONTARIO		Date : <div style="border: 1px solid black; padding: 2px; text-align: center;">Issue Date</div> Scale : <div style="text-align: right;">1/8" = 1'-0"</div>	Project No <div style="text-align: center; font-weight: bold;">AND21024</div>	
Drawing Name : BASEMENT PLAN		Drawn by : <div style="text-align: center;">SW</div> <div style="border-top: 1px solid black; padding-top: 5px;"> Checked by : <div style="text-align: center;">HW</div> </div>	Drawing No <div style="text-align: center; font-weight: bold;">A2</div>	



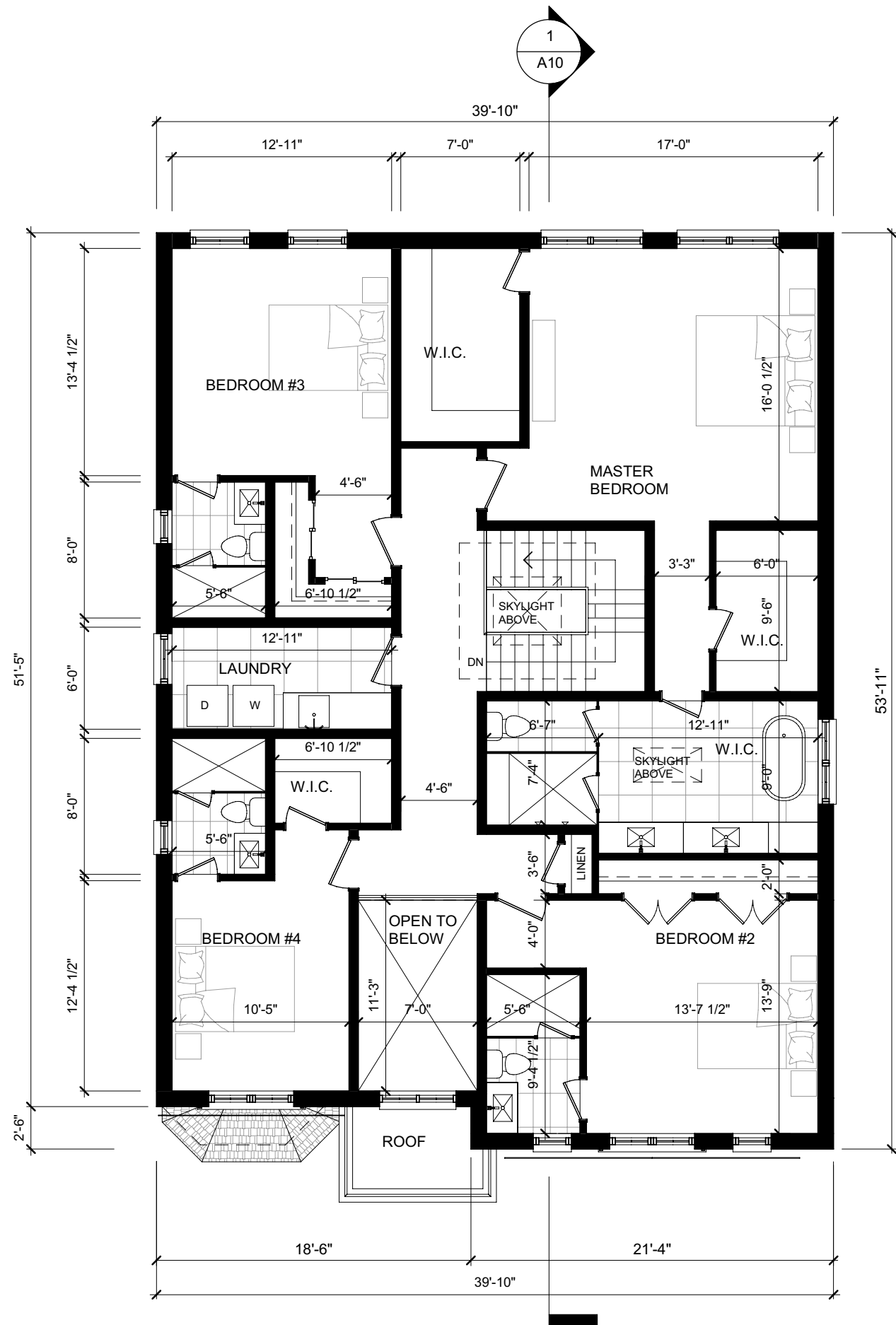
1 GROUND FLOOR
1/8" = 1'-0"

Appendix B

File: 21.133419.000.00.MNV
Date: 11/10/21
MM/DD/YY

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3950 14th Avenue, Suite 609
Markham, ON L3R 0A9
905-604-6960
info@andarchitectureinc.com
www.andarchitecture.ca

4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
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1 SECOND FLOOR
1/8" = 1'-0"

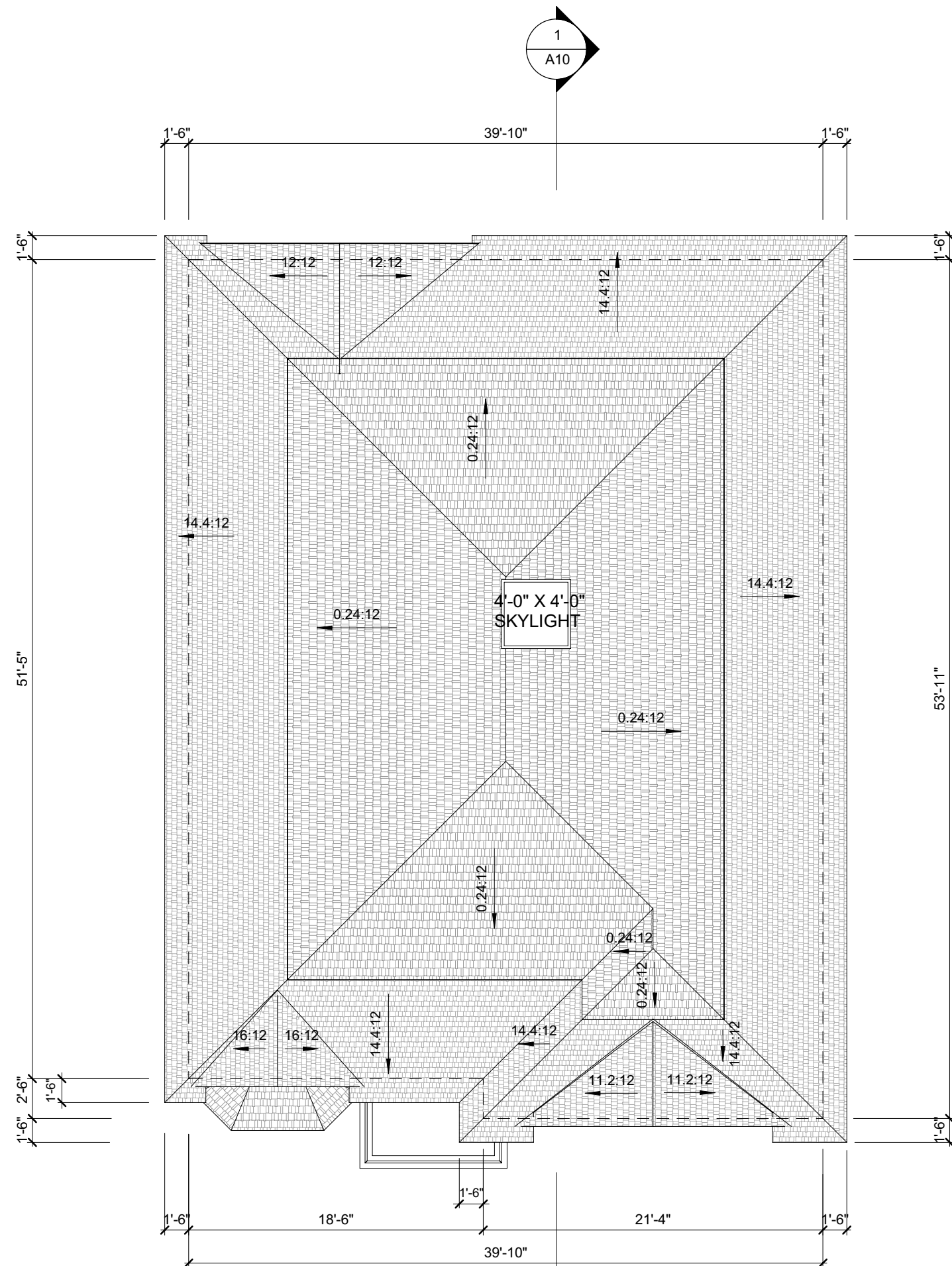
Appendix B

File: 21.133419.000.00.MNV

Date: 11/10/21
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4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No AND21024
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	
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1 ROOF PLAN
1/8" = 1'-0"

Appendix B

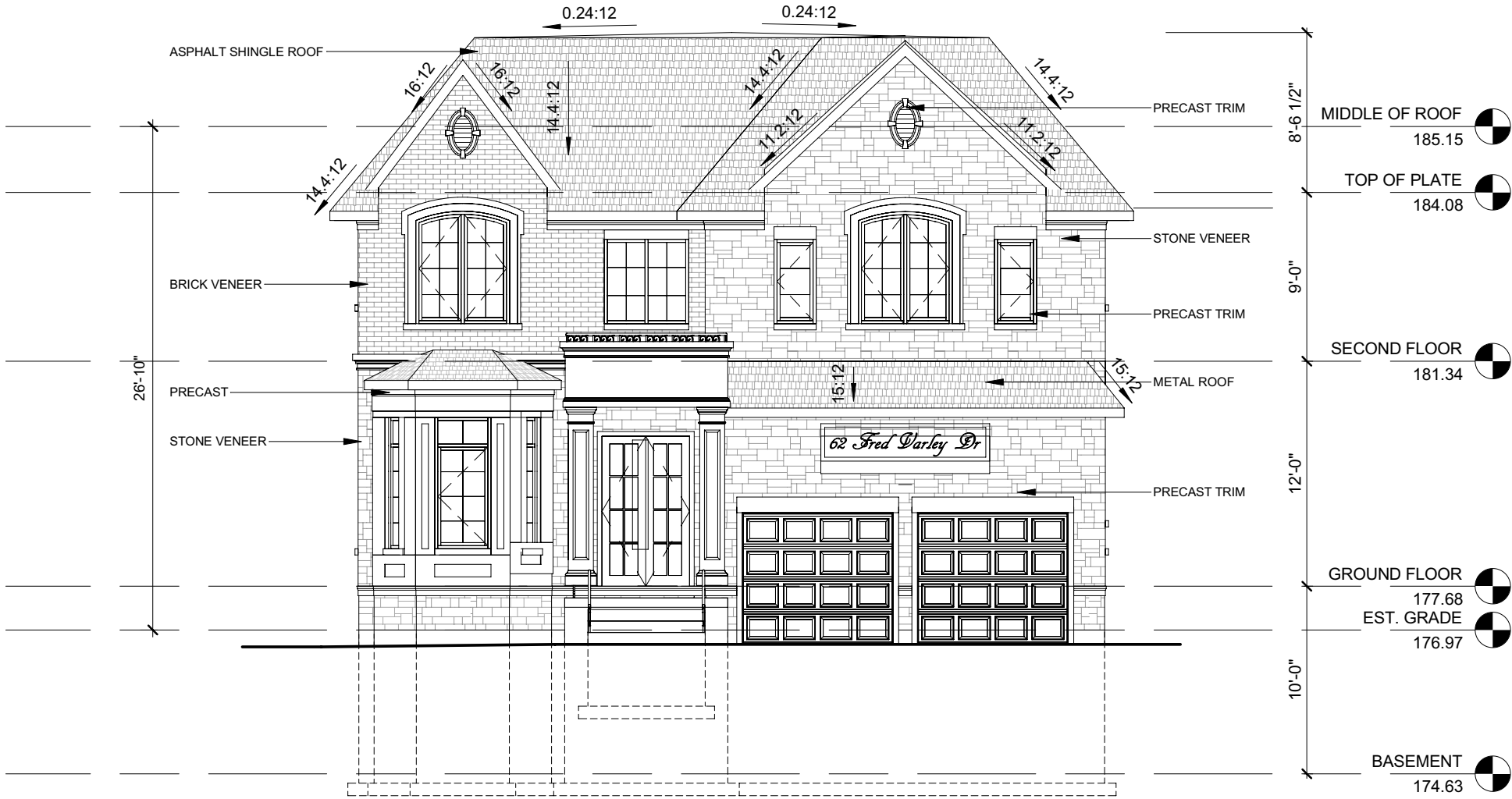
File: 21.133419.000.00.MNV
Date: 11/10/21
MM/DD/YY

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4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name : ROOF PLAN		Drawn by : SW Checked by : Checker	Drawing No A5


Appendix B

File: 21.133419.000.00.MNV

Date: 11/10/21
MM/DD/YY



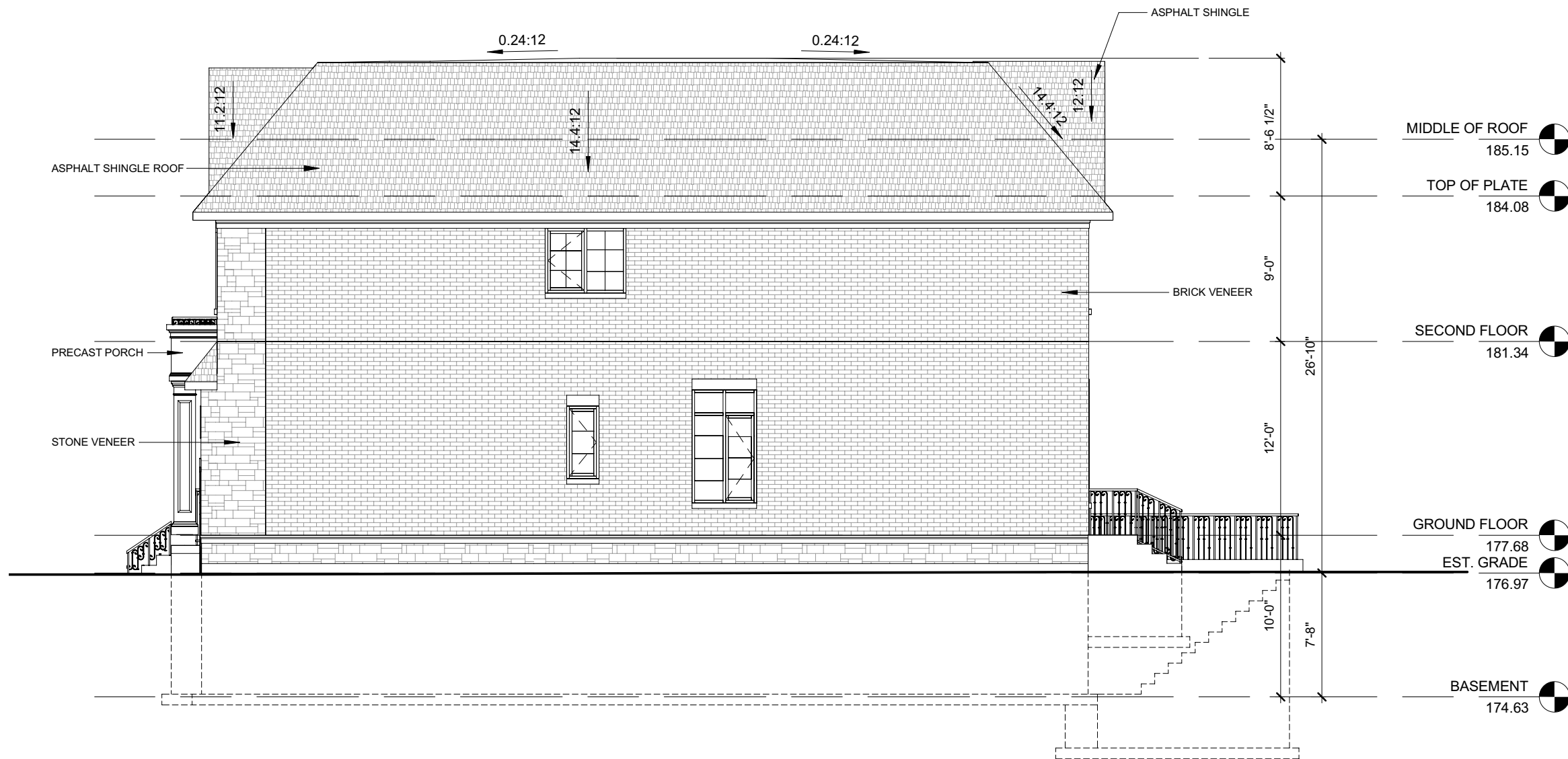
1 NORTH ELEVATION
1/8" = 1'-0"

 AND ARCHITECTURE INC. 3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca			
4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
NORTH ELEVATION		Checked by : Checker	A6

Appendix B

File: 21.133419.000.00.MNV

Date: 11/10/21
MM/DD/YY



1 WEST ELEVATION
1/8" = 1'-0"


<div><div><div></div><div>ND</div></div><div><div>AND ARCHITECTURE INC.</div><div>3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca</div></div></div>			
4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
WEST ELEVATION		Checked by : Checker	A7

Appendix B

File: 21.133419.000.00.MNV
Date: 11/10/21
MM/DD/YY



1 SOUTH ELEVATION
1/8" = 1'-0"



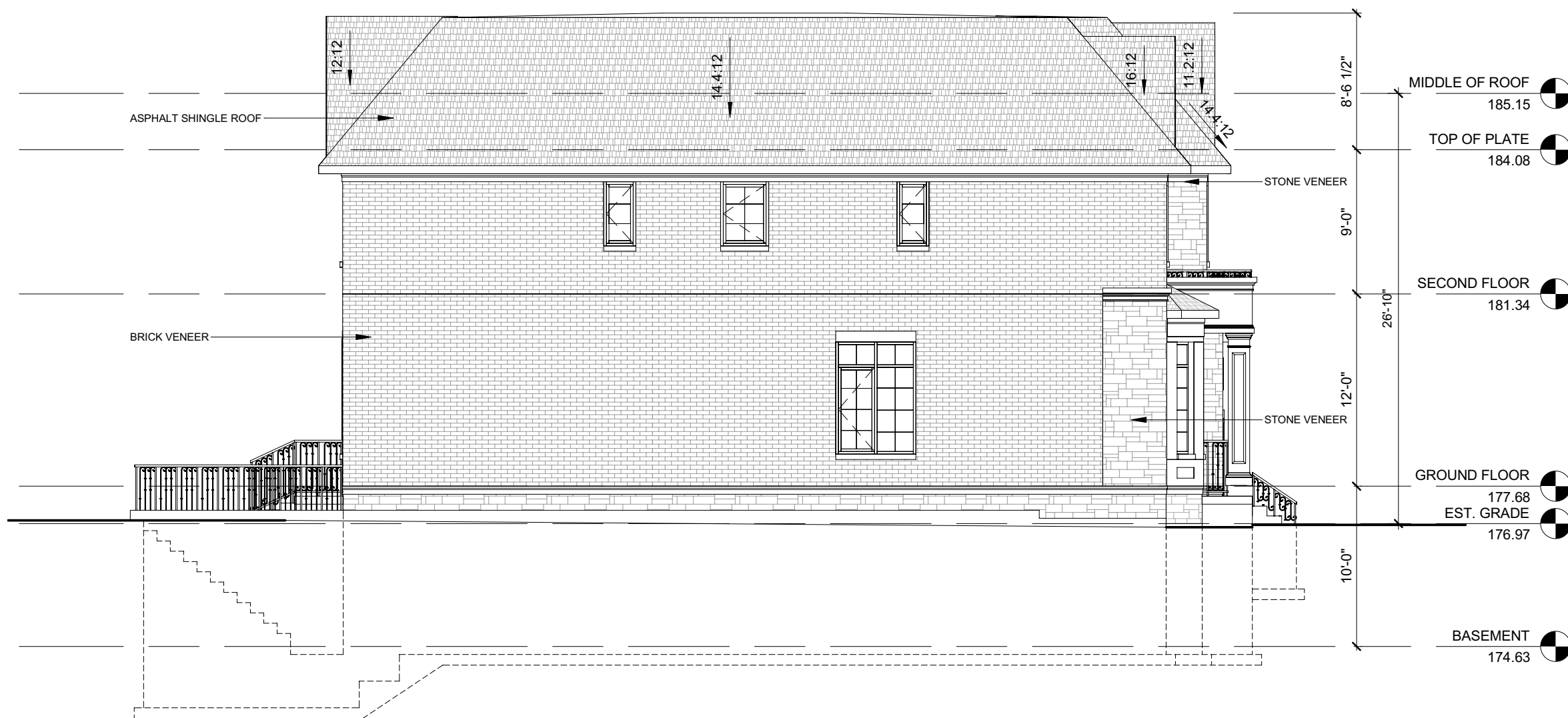
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4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
SOUTH ELEVATION		Checked by : Checker	A8


Appendix B

File: 21.133419.000.00.MNV

Date: 11/10/21
MM/DD/YY



1 EAST ELEVATION
1/8" = 1'-0"

 AND ARCHITECTURE INC. 3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca			
4	2021.10.14	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
EAST ELEVATION		Checked by : Checker	A9

Appendix C

File: 21.133419.000.00.MNV

Date: 11/10/21
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment September 29, 2021

File: A/122/21
Address: 62 Fred Varley Drive, Markham
Applicant: Lijuan Sun c/o Sujuan Wei
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday October 6, 2021

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, to permit:

- a) **Section 6.1:**
an interior side yard setback of 5 feet (east) and 5 feet (west), whereas the By-law requires an interior side yard setback of 6 feet for the two-storey portion of the dwelling;
- b) **Section 6.1:**
a maximum lot coverage 34.96 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6.1:**
a maximum building height of 27 feet and 10 5/8 inches (8.5 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres);

as it relates to a proposed two-storey dwelling.

BACKGROUND

This application was deferred at the September 8, 2021 Committee of Adjustment meeting to give the Applicant the opportunity to revise the plans to better align with the By-law standards related to the interior side yard setback, as detailed in the minutes extract (Appendix “A”). The Applicant submitted revised plans for the proposed development on September 10, 2021 (Appendix “B”), which maintain the previously requested height variance. The revised plans show an increased east side yard setback from 4 feet to 5 feet, resulting in a reduction to the proposed lot coverage from 36.19 percent to 34.96 percent.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The Applicant has not conducted a Zoning Preliminary Review for the revised plans. Consequently it is the Owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

Staff have reviewed the revised plans and advise that the comments from the initial report remain applicable (Appendix "C"). Staff are of the opinion that the requested variances appropriately reflects the recent infill development trend in the Varley Village neighbourhood and will not result in adverse impacts to neighbouring properties.

PUBLIC INPUT SUMMARY

As of September 29, 2021 the City received two letters of support and one letter expressing concerns over the requested height and lot coverage variances. It is noted that additional information may be received after the writing of this 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 objections. Staff recommend that the Committee consider any public input in reaching a decision.

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

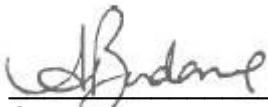
Please see Appendix "D" for a revised list of conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDICES

Appendix "A" – Minutes Extract (September 8, 2021)

Appendix "B" – Revised Plans

Appendix "C" – Staff Report (September 1, 2021)

Appendix "D" – Revised Conditions of Approval

Moved By: Sally Yan
Seconded By: Jeamie Reingold



THAT Application No A/116/21 be approved subject to conditions contained in the staff report.

Resolution Carried

8. A/122/21

Owner Name: Sujuan Wei
Agent Name: AND Architecture Inc. (Sam Wu)
62 Fred Varley Drive, Markham
PLAN 7566 LOT 358

The applicant is requesting relief from the requirements of By-law 11-72 as amended to permit:

- a) Section 6.1:**
an interior side yard setback of 4 feet (east) and 5 feet (west), whereas the By-law requires an interior side yard setback of 6 feet;
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a maximum lot coverage 36.19 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) Section 6.1:**
a maximum building height of 27 feet and 10 5/8 inches (8.5 metres), whereas the By-law permits a maximum building height of 25 feet;

as it relates to a proposed 2-storey dwelling. **(Central District, Ward 3)**

The Secretary-Treasurer introduced the application.

The agent David Johnston appeared on behalf of the application. He believes this proposal is consistent with other in-fill dwellings in this neighbourhood.

Ian Free of 145 Krieghoff Avenue spoke in opposition to the application. He believes this is an overbuild on this lot.

Christiane Beauger-Free of 145 Krieghoff Avenue spoke in opposition to the application. She states that there are flooding issues in this area and the Committee should consider this when assessing in-fill related proposals.

Committee of Adjustment Minutes
Wednesday, September 8, 2021

The Chair asked about a letter of support provided and that the resident agreed to series of conditions.

Mr. Johnston clarified that this resident who provided the letter agreed to staff recommended conditions.

Committee member Jeamie Reingold indicated that she does have issues with the side yard setbacks.

Mr. Johnston responded that the adjacent property-owners are in support of this proposal. He does not believe the setback variance is relevant issue.

Committee member Sally Yan stated that she supports the proposal.

Committee member Jeamie Reingold indicated she supports the proposal, excluding the side yard setback variance.

Moved By: Sally Yan
Seconded By: None

THAT Application No A/122/21 be approved subject to conditions contained in the staff report.

Resolution Failed to Carry

Moved By: Jeamie Reingold
Seconded By: Arun Prasad

THAT Application No A/122/21 be deferred sine die.

Resolution Carried

9. A/124/21

Owner Name: The Sher Corporation (Mark Sivell)
Agent Name: The Sher Corporation (Mark Sivell)
9704 McCowan Road, Markham
CON 6 PT LOT 18 RS64R6311 PART 1

The applicant is requesting relief from the requirements of By-law 177-96 as amended to permit:

Appendix B

File: 21.133419.000.00.MNV

Date: 09/29/21
MM/DD/YY

SITE STATISTICS

ZONING CATOGORY: R4
LOT AREA: 579.63m²

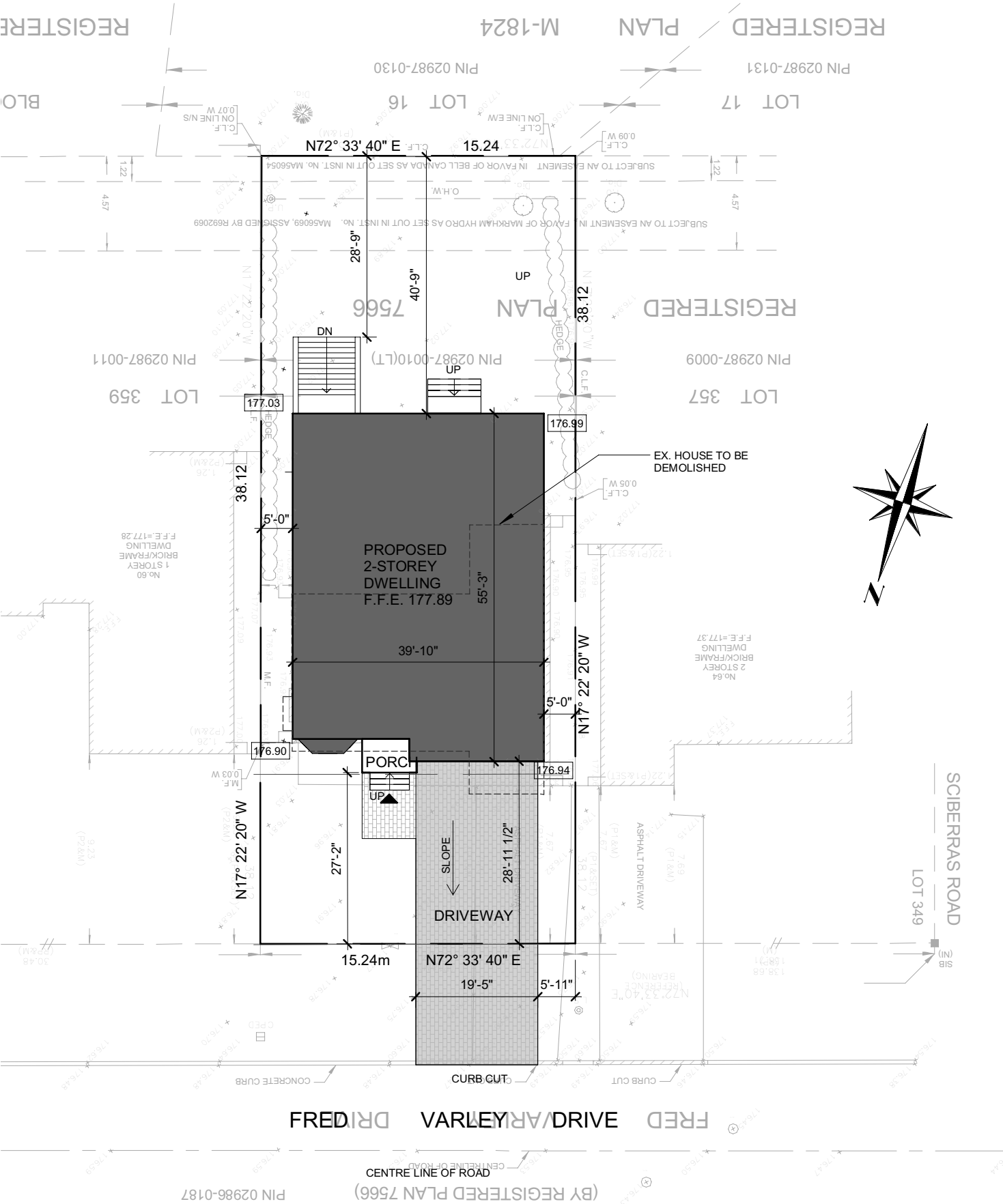
DESCRIPTION	PERMITTED/REQUIRED	PROPOSED
LOT COVERAGE	33.33% MAX.	34.96%
BUILDING HEIGHT	25'-0" MAX.	27'-10 1/2"
FRONT YARD SETBACK	27'-0" MIN.	27'-3"
REAR YARD SETBACKS	25'-0" MIN.	40'-9"
SIDE YARD SETBACKS	6'-0" MIN.	5'-0"

GROSS FLOOR AREA (GFA)*

FLOOR	GFA
GROUND FLOOR	158.75 m ² (1,709 SF)
SECOND FLOOR	187.33 m ² (2,016 SF)
TOTAL	346.08 m ² * (3,725 SF)

BASEMENT 158.75 m² (1,709 SF)
GARAGE 39.97 m² (430 SF)

* GROSS AREA DOES NOT INCLUDE GARAGE AND BASEMENT



1 SITE PLAN
1 : 250

AND ARCHITECTURE INC.

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Markham, ON L3R 0A9
905-604-6960
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4	2021.09.09	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No AND21024
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : As indicated	
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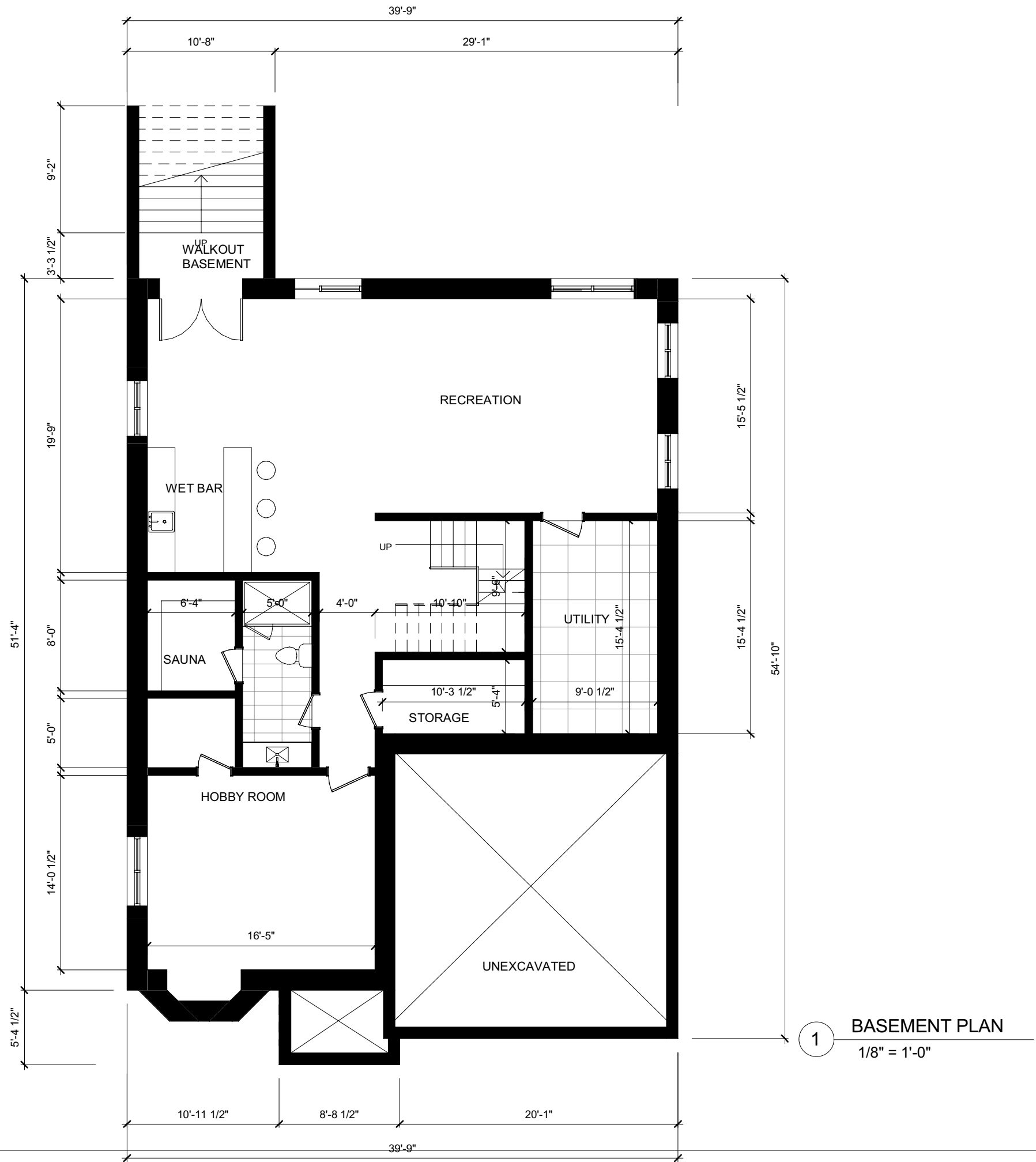
Appendix B

File: 21.133419.000.00.MNV
Date: 09/29/21
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1 BUILDING SECTION
1/8" = 1'-0"

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4	2021.09.09	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No AND21024
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BUILDING SECTION		Checked by : Checker	



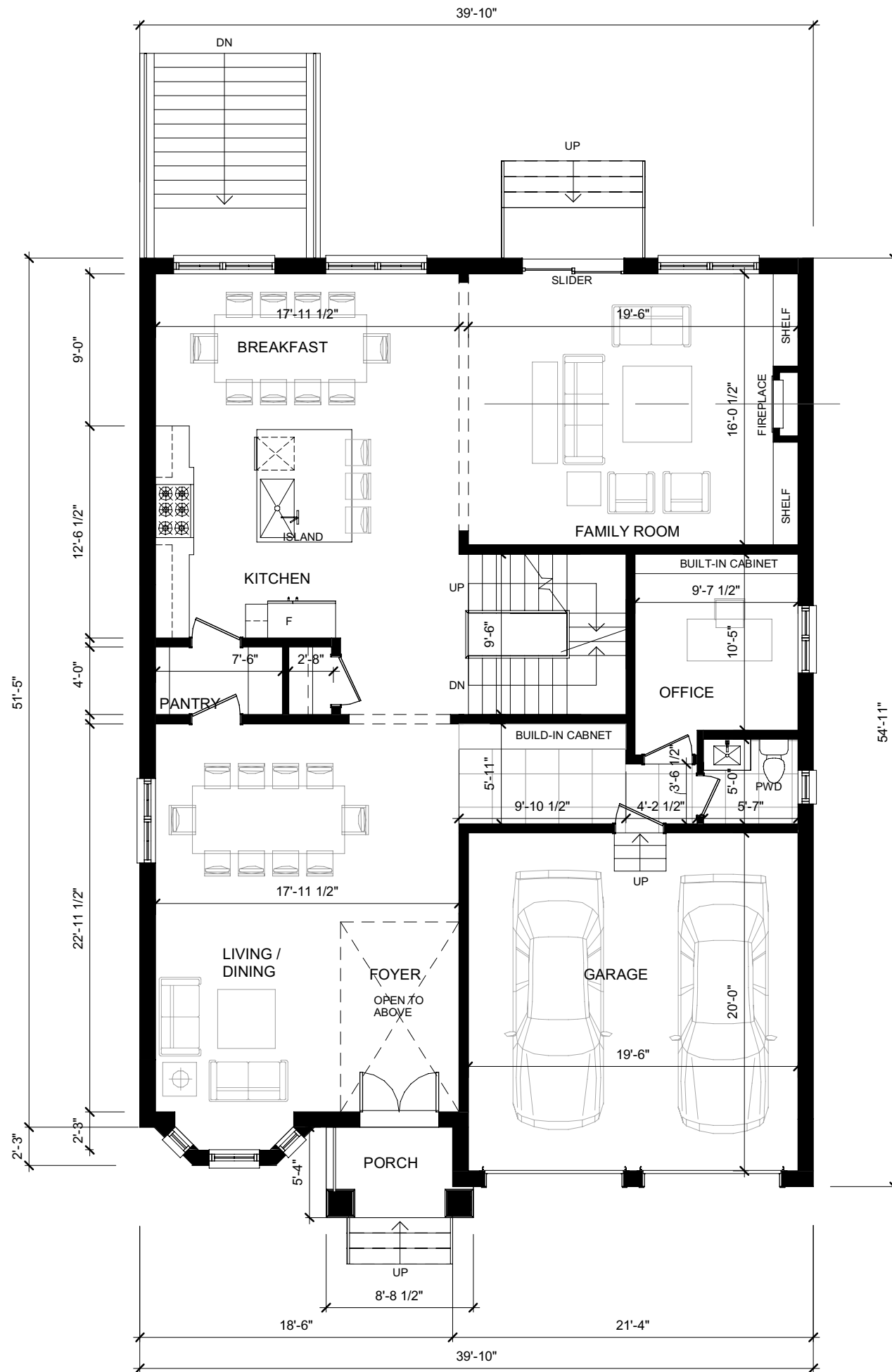
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No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
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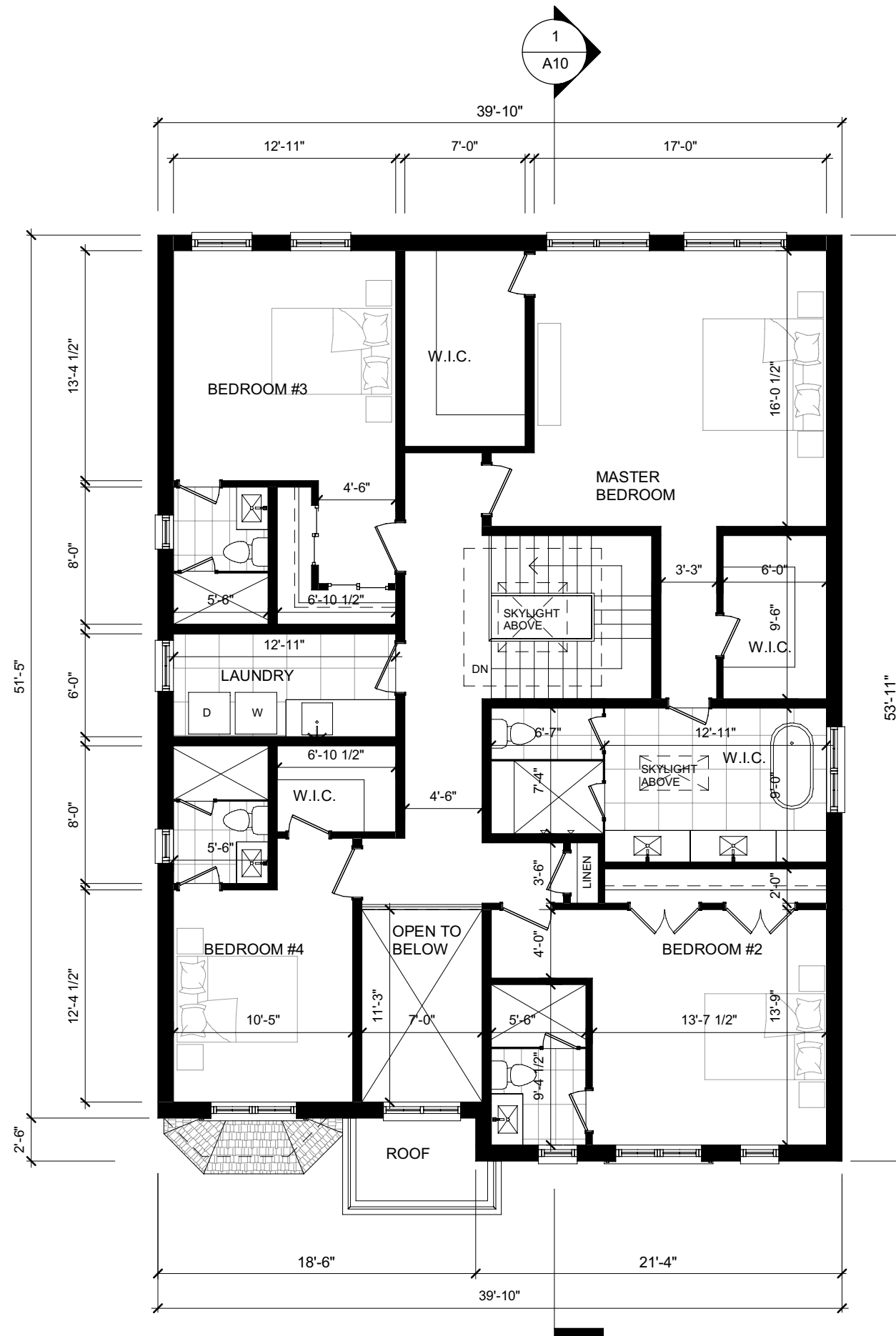


1 GROUND FLOOR
1/8" = 1'-0"

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Date: 09/29/21
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62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
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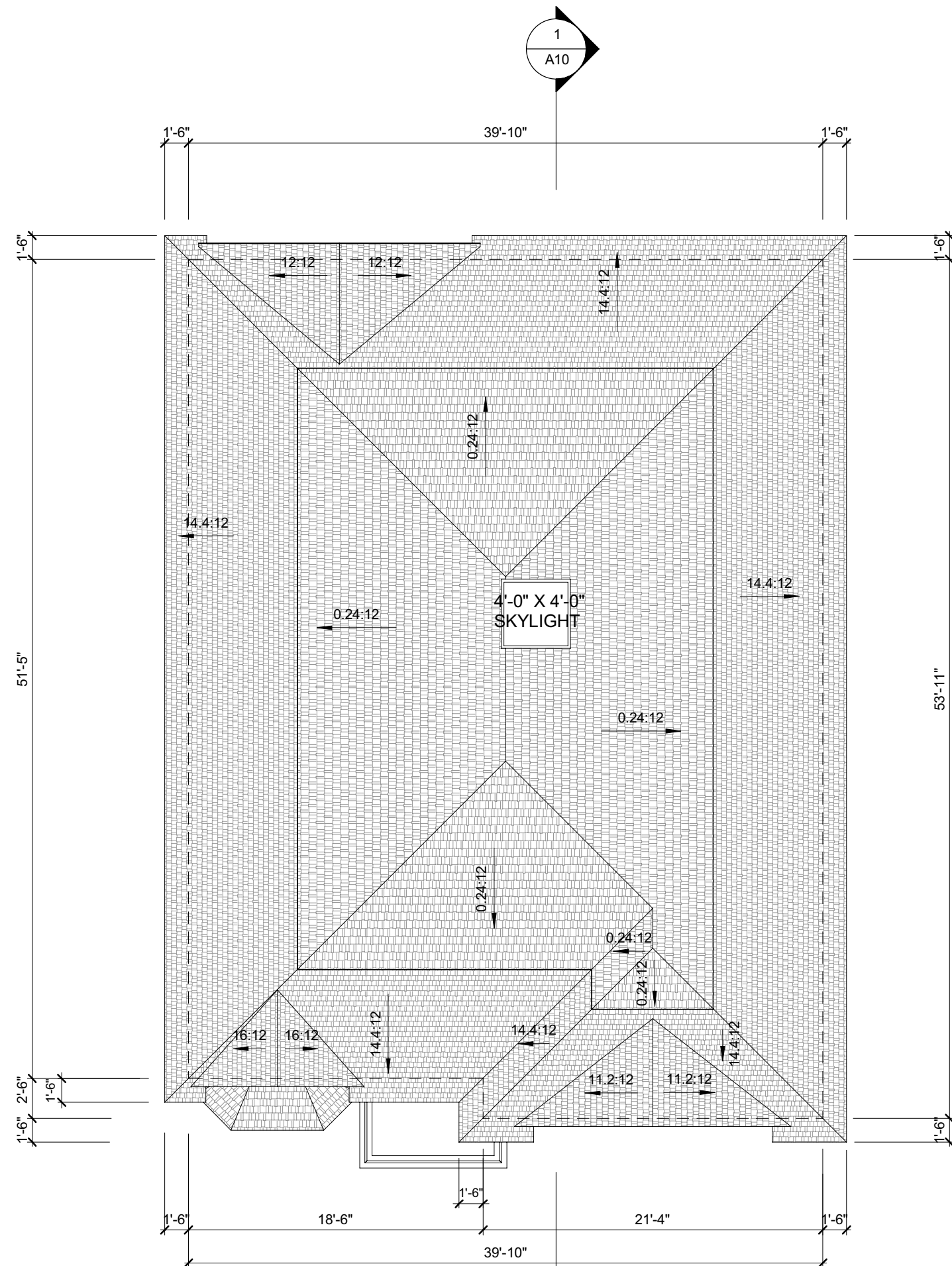
1 SECOND FLOOR
1/8" = 1'-0"

Appendix B

File: 21.133419.000.00.MNV

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
SECOND FLOOR PLAN		Checked by : HW	A4



1 ROOF PLAN
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
ROOF PLAN		Checked by : Checker	A5

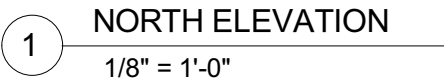
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Date: 09/29/21
MM/DD/YY



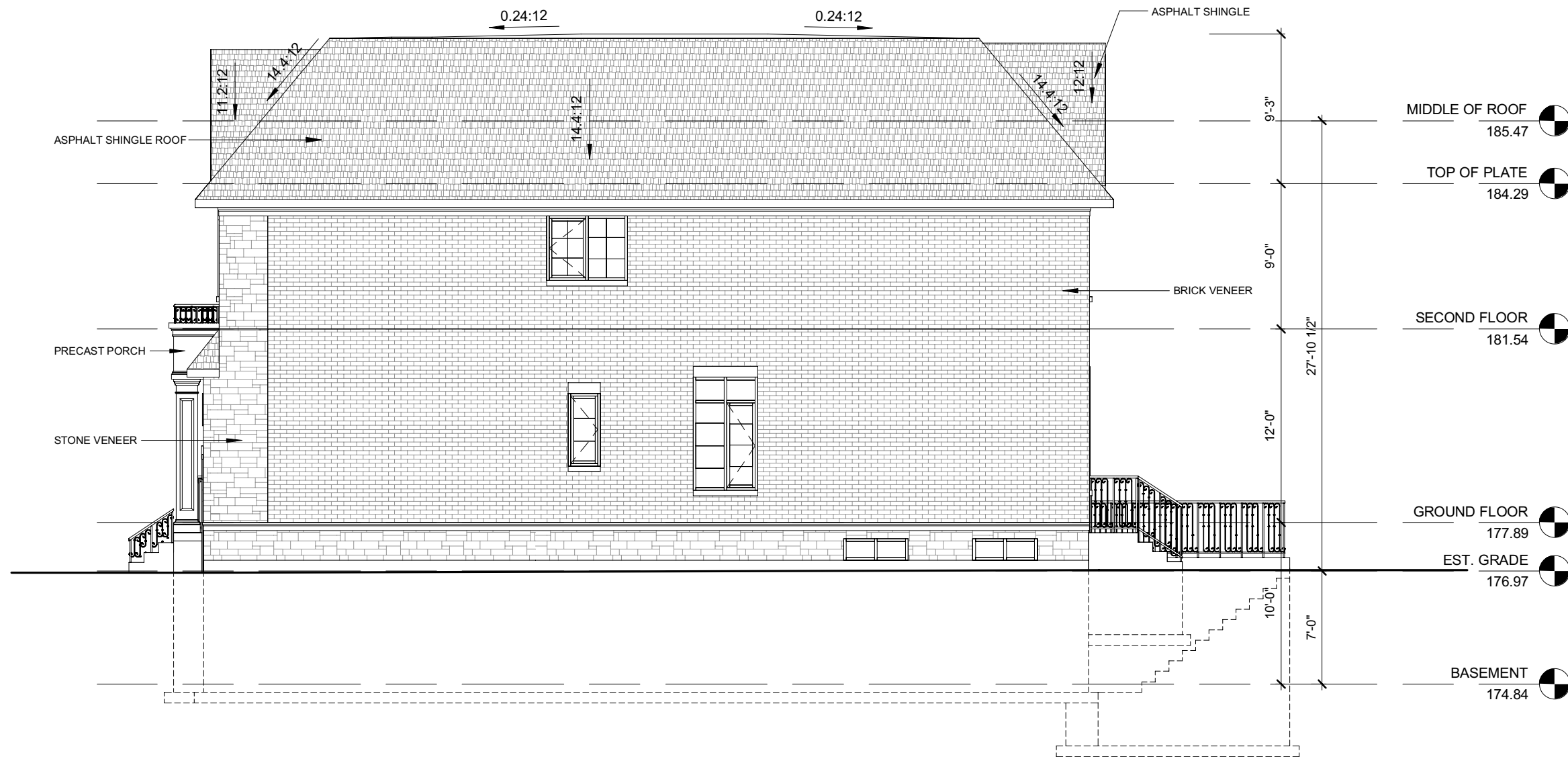
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No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE 62 FRED VARLEY DRIVE MARKHAM ONTARIO		Date :	Project No AND21024
		Issue Date	
		Scale : 1/8" = 1'-0"	
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		Checked by : Checker	


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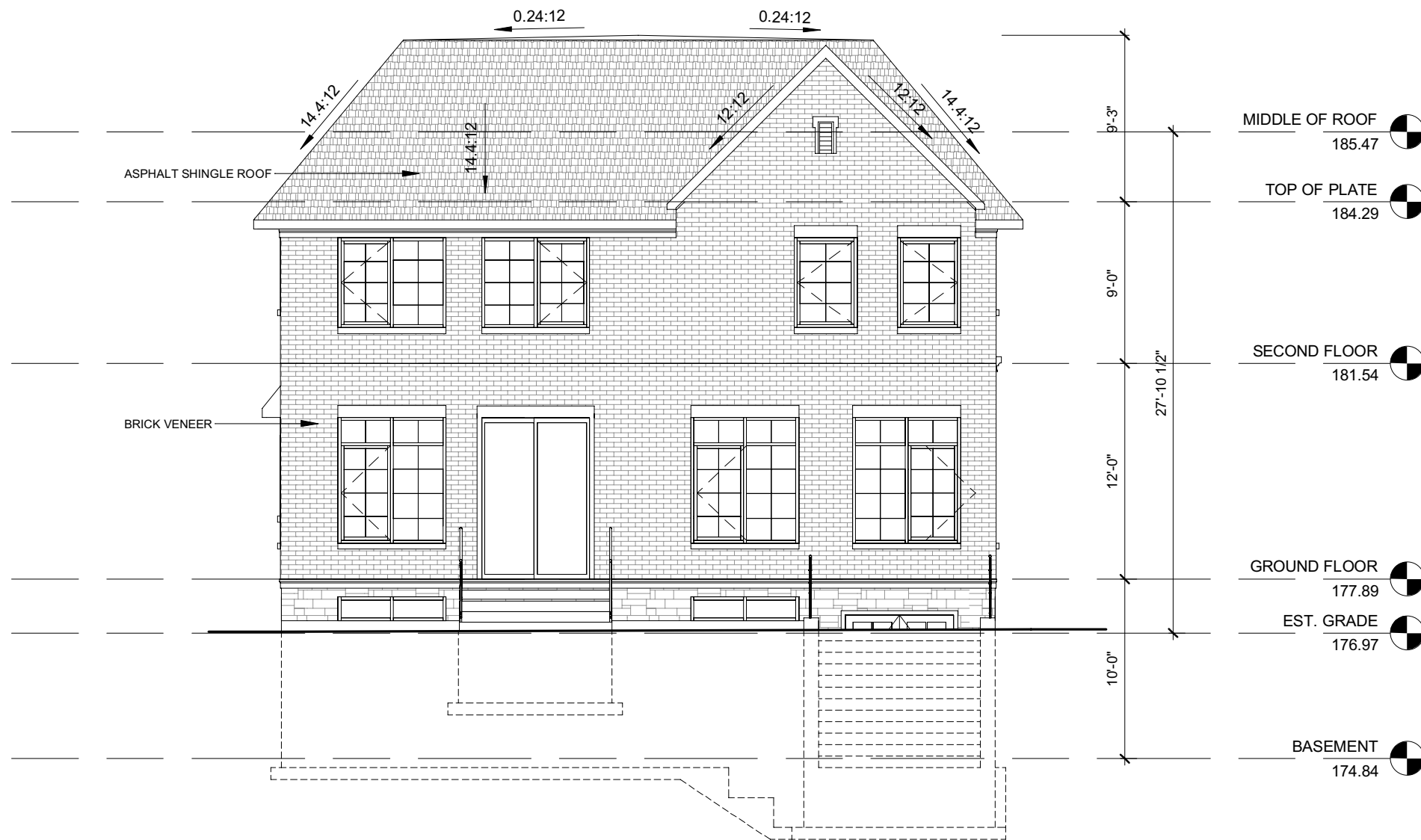
1 WEST ELEVATION
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date :	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Issue Date	AND21024
		Scale : 1/8" = 1'-0"	
Drawing Name :		Drawn by : SW	Drawing No
WEST ELEVATION		Checked by : Checker	A7

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File: 21.133419.000.00.MNV

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1 SOUTH ELEVATION
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
SOUTH ELEVATION		Checked by : Checker	A8

Appendix B

File: 21.133419.000.00.MNV

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1 EAST ELEVATION
1/8" = 1'-0"

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4	2021.09.09	REISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	AND21024
Drawing Name :		Drawn by : SW	Drawing No
EAST ELEVATION		Checked by : Checker	A9

Appendix C

File: 21.133419.000.00.MNV

Date: 09/29/21
MM/DD/YY

Memorandum to the City of Markham Committee on Adjustments September 1, 2021

File: A/122/21
Address: 62 Fred Varley Drive, Markham
Applicant: Lijuan Sun c/o Sujuan Wei
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday, September 8, 2021

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, to permit:

- a) **Section 6.1:**
an interior side yard setback of 4 feet (east) and 5 feet (west), whereas the By-law requires an interior side yard setback of 6 feet;
- b) **Section 6.1:**
a maximum lot coverage 36.19 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6.1:**
a maximum building height of 27 feet and 10 5/8 inches (8.5 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres);

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

BACKGROUND

Property Description

The 579.63 m² (6,239.09 ft²) subject property is located on the south side of Fred Varley Drive, which is situated north of Highway 7 and east of Sciberras Road (see Appendix “A” – Aerial Photo). The subject 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 developments.

There is an existing 178.64 m² (1,922.86 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1966. Vegetation exists on the property including one large tree in the front yard.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct a new 360.38 m² (3,879 ft²) two-storey detached dwelling (See Appendix “B” – Architectural Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the subject property “Residential – Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential – Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation.

Zoning By-Law 11-72

The subject property is zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the requirements of the By-law as they relate to the interior side yard setbacks for a two-storey dwelling, lot coverage, and building height.

Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns within this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommended that no action be taken on an infill by-law at the time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law was not adopted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider any public input before making a decision.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (21 121551 ZPR) on May 20, 2021 to confirm the initial variances required for the proposed development. Initially, the Applicant proposed a larger home with a lot coverage of 38.25 percent, and a side yard setback of 4 ft (1.22 m) on both sides.

The Applicant submitted revised drawings on August 4, 2021, but did not submit a second Zoning Preliminary Review for the revision. Consequently, it is the Applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

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

Reduced Side Yard Setback (two-storey portion)

The Applicant is requesting a minimum side yard setback of 4 ft (1.22 m) along the east property line, and 5 ft (1.52 m) along the west property line. The By-law permits a minimum side yard setback of 4 ft (1.22 m) for a one-storey portion of a dwelling and 6 ft (1.83 m) for a two-storey portion.

The Applicant is requesting relief of 2 ft (0.61 m) on the east side and 1 ft (0.31 m) on the west side for the two-storey portions of the dwelling. Given that the proposed side yard setbacks are generally consistent with other approved two-storey infill dwellings in the area, Staff are of the opinion that the proposed side yard reductions will not impact the character of the neighbourhood. Additionally, Engineering staff have not identified any concerns relating to drainage as a result of the reduced side yard setbacks.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 36.19 percent (209.77 m² or 2,257.93 ft²), whereas the By-law permits a maximum lot coverage of 33.33 percent (193.19 m² or 2,079.49 ft²). This represents an 8.58 percent (16.58 m² or 178.47 ft²) increase to the permitted building footprint.

The proposed lot coverage includes a 1.60 m² (17.21 ft²) single storey bay window and a 4.31 m² (46.44 ft²) front covered porch, which adds approximately 5.91 m² (63.61 ft²) to the overall building area. Excluding the bay window and front covered porch, the proposed dwelling has a lot coverage of 35.17 percent. Given that the bay window only projects 2.25 ft (0.69 m) beyond the main wall of the dwelling and is only one storey in height and, that the front covered porch is unenclosed, staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the proposed dwelling.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 27.88 ft (8.50 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). This represents an increase of 2.88 ft (0.88 m).

Building heights within the Varley Village neighbourhood vary, with older dwellings being replaced with newer dwellings that are generally taller. The proposed height variance is generally consistent with variances approved for other infill dwellings in the area. Although the proposed dwelling will be taller than other dwellings in the immediate

vicinity, Staff are of the opinion that the proposed roof pitch minimizes the massing of the proposed dwelling, and would not have adverse impacts on the overall character of the street. Accordingly, Staff are of the opinion that the proposed height increase will not result in a dwelling that is incompatible or out of character with its surrounding context and have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 1, 2021. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

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

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

Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



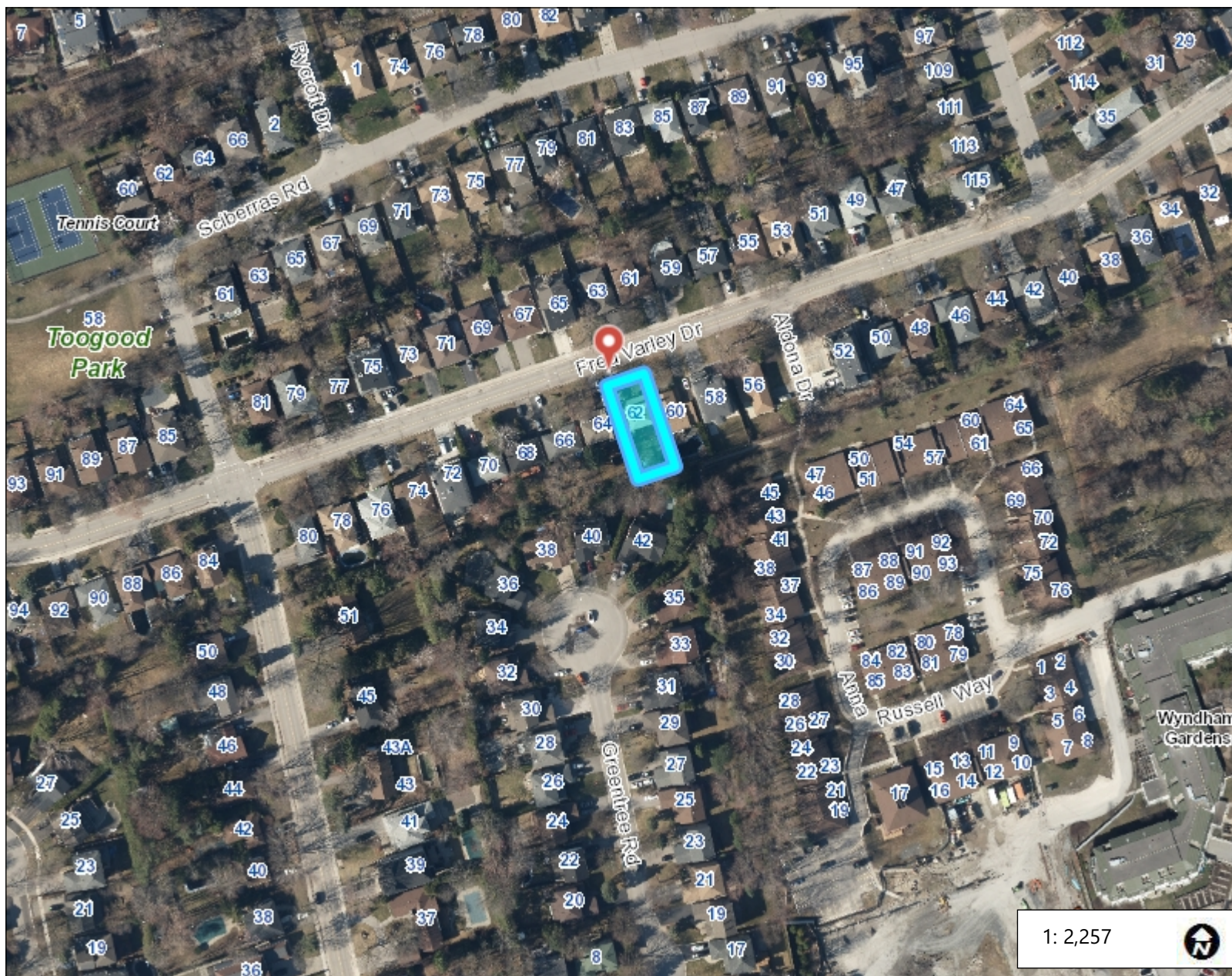
Sabrina Bordone, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Architectural Plans

Appendix "C" – Conditions



1: 2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
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DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
- <all other values>
- Under Development

Notes

Appendix B

File: 21.133419.000.00.MNV
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MM/DD/YY

SITE STATISTICS

ZONING CATOGORY: R4
LOT AREA: 579.63m²

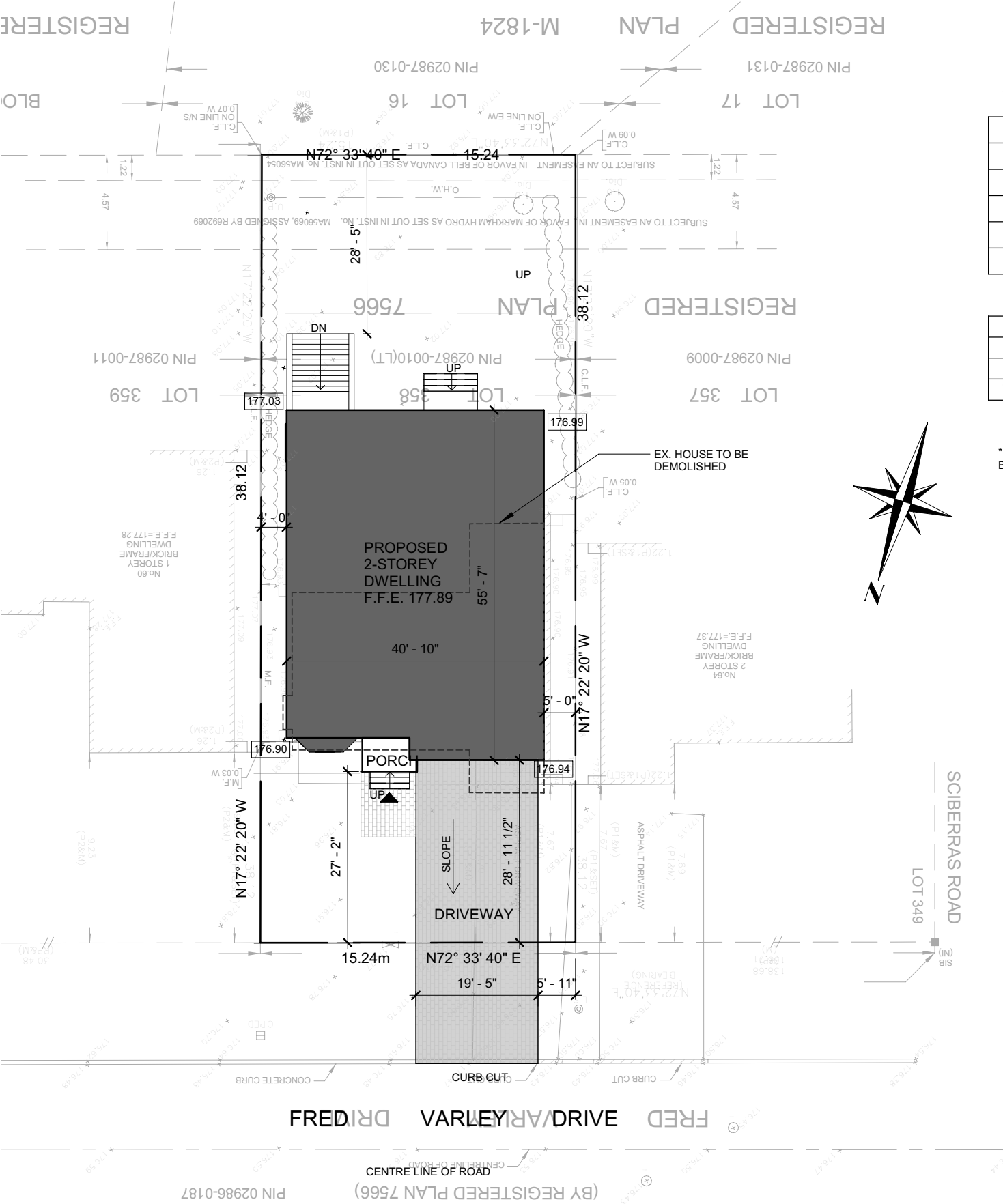
DESCRIPTION	PERMITTED/REQUIRED	PROPOSED
LOT COVERAGE	33.33% MAX.	36.19%
BUILDING HEIGHT	25'-0" MAX.	27'-10½"
FRONT YARD SETBACK	27'-0" MIN.	27'-3"
REAR YARD SETBACKS	25'-0" MIN.	37'-5½"
SIDE YARD SETBACKS	6'-0" MIN.	4'-0" & 5'-0"

GROSS FLOOR AREA (GFA)*

FLOOR	GFA
GROUND FLOOR	165.90 m² (1,786 SF)
SECOND FLOOR	194.48 m² (2,093 SF)
TOTAL	360.38 m²* (3,879 SF)

BASEMENT 165.89 m² (1,786 SF)
GARAGE 39.97 m² (430 SF)

* GROSS AREA DOES NOT INCLUDE GARAGE AND BASEMENT



1 SITE PLAN
1 : 250

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No.	Date:	Issued/Revision:		By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011	
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : As indicated		
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Appendix B

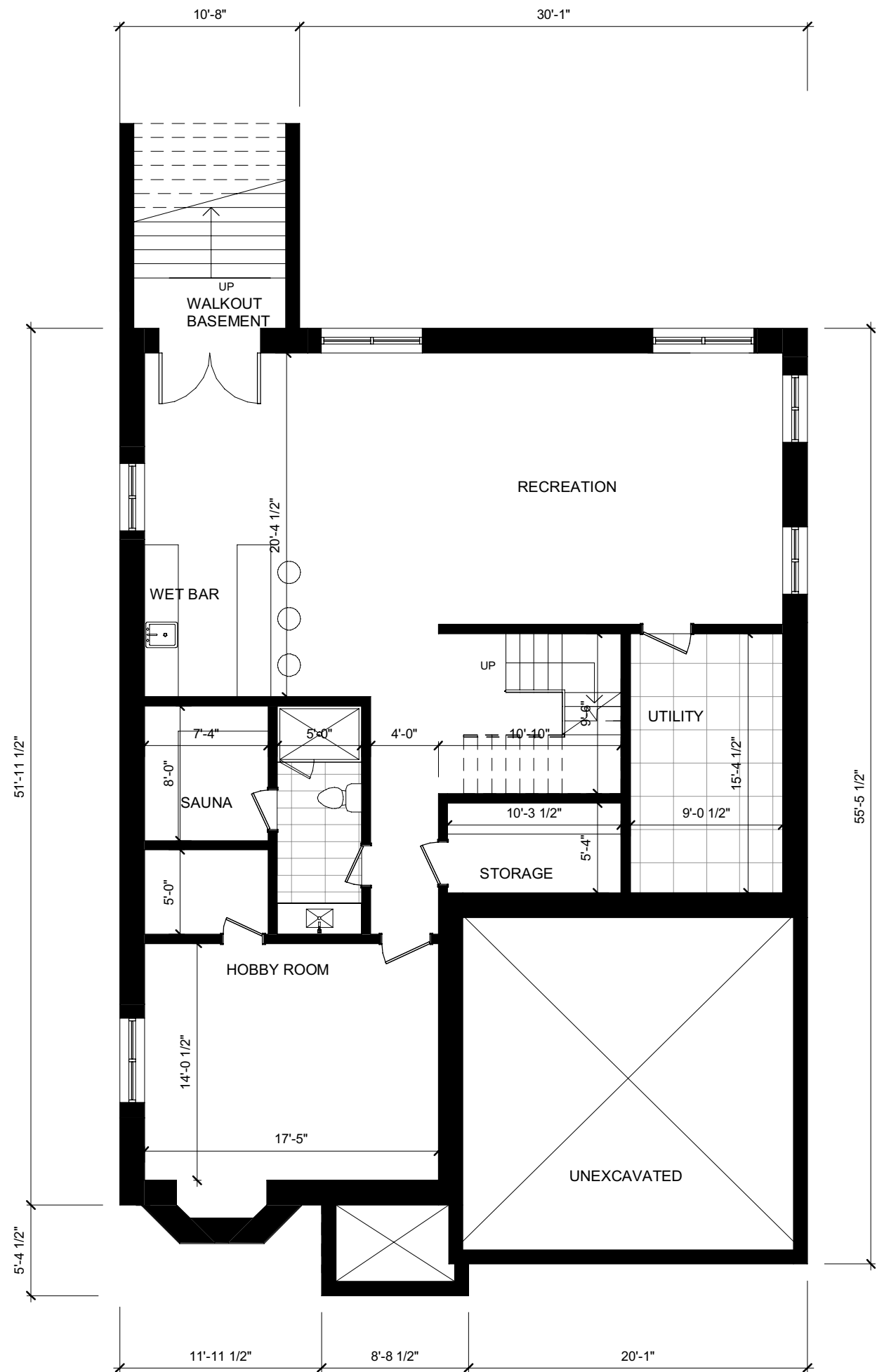
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1 BUILDING SECTION
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	
Drawing Name :		Drawn by : Author	Drawing No A10
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BASEMENT PLAN

1/8" = 1'-0"

Appendix B

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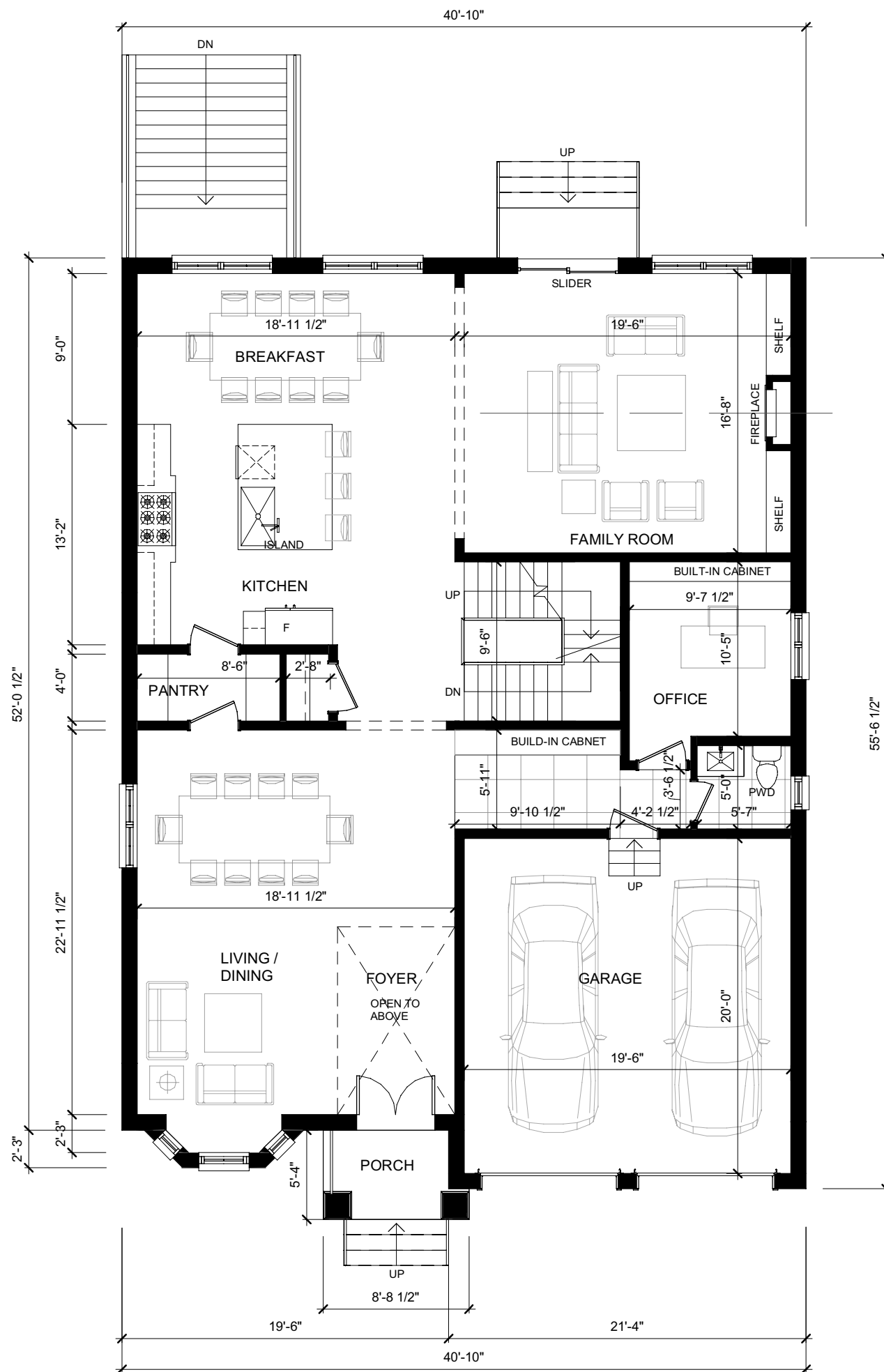
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Project : PRIVATE RESIDENCE 62 FRED VARLEY DRIVE MARKHAM ONTARIO		Date :	Project No 21011	
		Issue Date		
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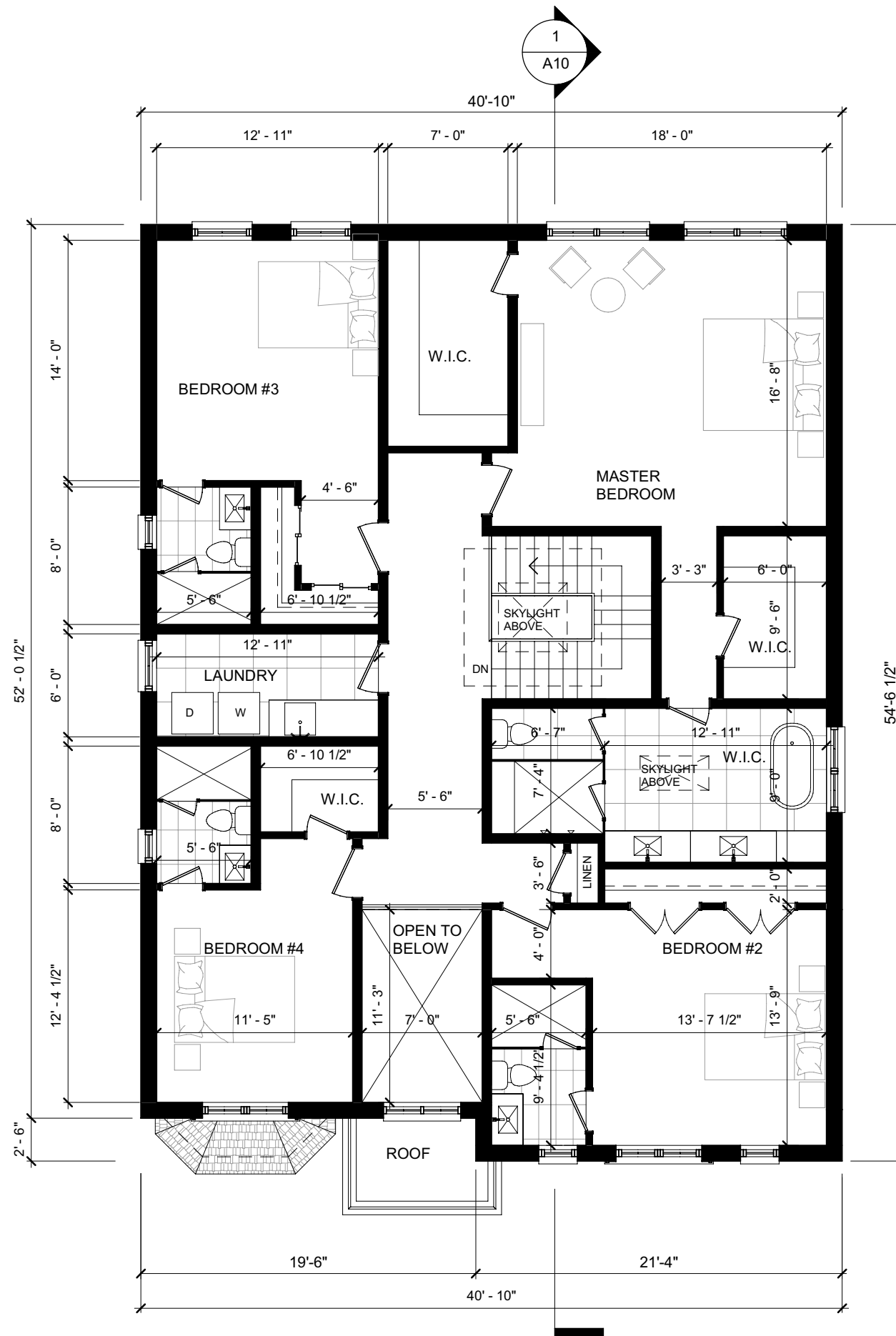
1 GROUND FLOOR
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		Issue Date		
		Scale : 1/8" = 1'-0"		
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		Checked by : HW		



1

SECOND FLOOR

1/8" = 1'-0"

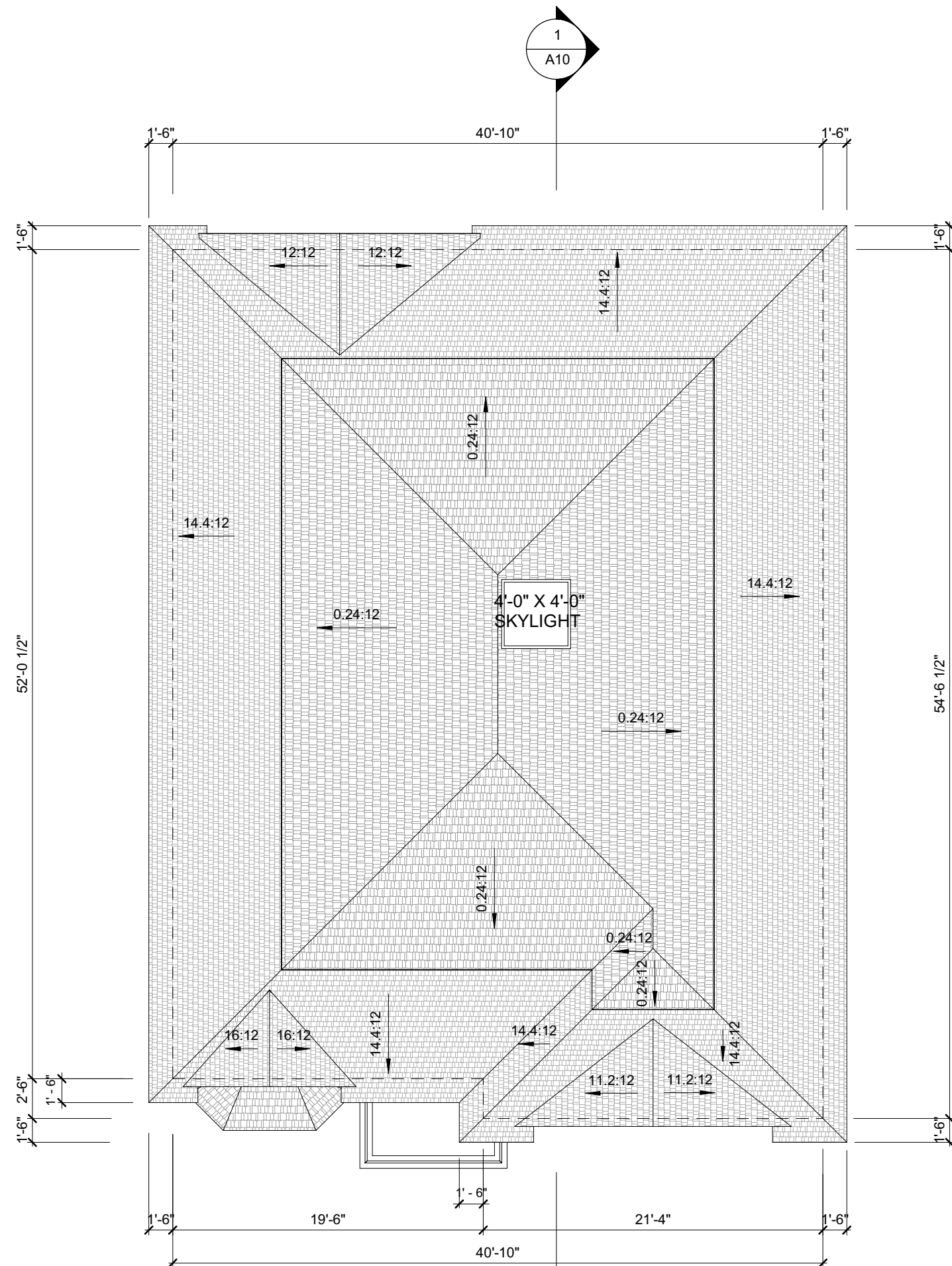
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Drawing Name : SECOND FLOOR PLAN		Drawn by : JW Checked by : HW	Drawing No A4



1 ROOF PLAN
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011
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Drawing Name : ROOF PLAN		Drawn by : Author Checked by : Checker	Drawing No A5

Appendix B

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1 NORTH ELEVATION
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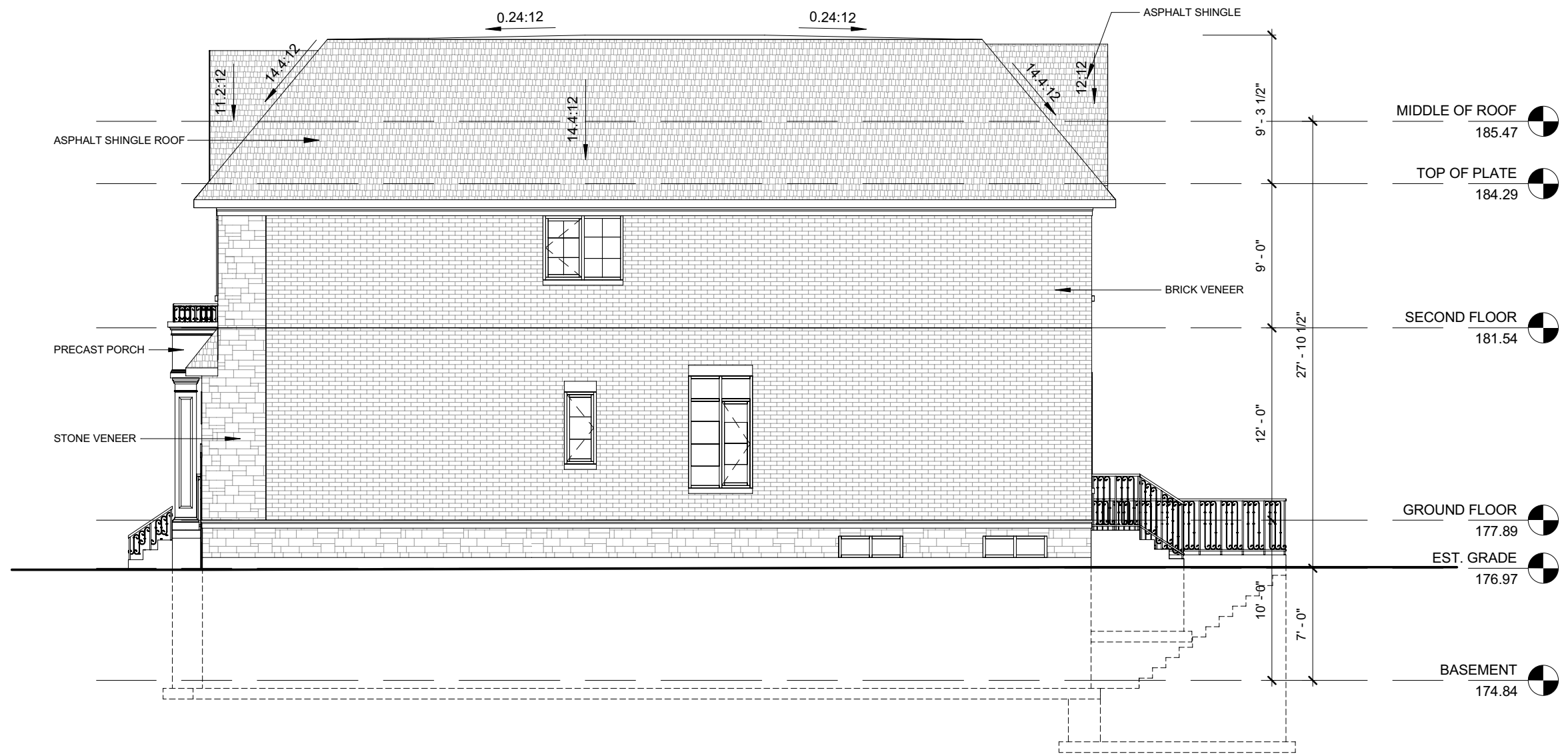
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No.	Date:	Issued/Revision:	By

Project : PRIVATE RESIDENCE 62 FRED VARLEY DRIVE MARKHAM ONTARIO	Date :	Project No 21011
	Issue Date	
	Scale : 1/8" = 1'-0"	


Drawing Name : NORTH ELEVATION	Drawn by : Author	Drawing No A6
	Checked by : Checker	

Appendix B

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1 WEST ELEVATION
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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	
Drawing Name :		Drawn by : Author	Drawing No A7
WEST ELEVATION		Checked by : Checker	

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1 SOUTH ELEVATION
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3	2021.08.03	ISSUED FOR C.O.A.		SW
No.	Date:	Issued/Revision:		By
Project : PRIVATE RESIDENCE 62 FRED VARLEY DRIVE MARKHAM ONTARIO		Date :	Project No 21011	
		Issue Date		
		Scale : 1/8" = 1'-0"		
Drawing Name : SOUTH ELEVATION		Drawn by : Author	Drawing No A8	
		Checked by : Checker		

Appendix B

File: 21.133419.000.00.MNV

Date: 09/01/21
MM/DD/YY



1 EAST ELEVATION
1/8" = 1'-0"

<div>AND ARCHITECTURE INC. 3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca</div>			
3	2021.08.03	ISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	
Drawing Name :		Drawn by : Author	Drawing No A9
EAST ELEVATION		Checked by : Checker	

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/21

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report and stamped by the City of Markham on September 1, 2021, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City’s Streetscape Manual, including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Central District

Appendix D

File: 21.133419.000.00.MNV

Date: 09/29/21
MM/DD/YY

APPENDIX "D"

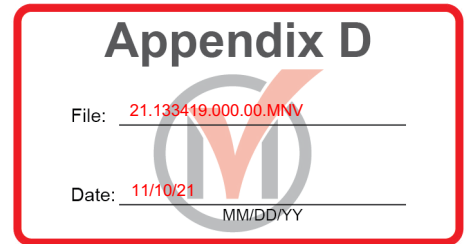
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/21

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and stamped by the City of Markham on September 29, 2021, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
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5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Central District



APPENDIX "D"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/21

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and stamped by the City of Markham on November 10, 2021, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Central District