

Memorandum to the City of Markham Committee of Adjustment

July 15, 2020

File: A/064/20
Address: 31 Wales Ave Markham
Applicant: Todd McDowell & Elizabeth Butler
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Tuesday, July 21, 2020

The following comments are provided on behalf of the Heritage District Team:

The applicant is requesting relief from the following requirements of By-law 1229, as amended, as follows:

a) Section 11.3 (a)(i):

to permit a maximum building height of 22.47 feet (6.85 m), whereas the By-law permits a building height of 12 feet (3.65 m);

b) Section 6.1:

to permit an accessory dwelling unit, whereas the By-law does not permit the use; and,

c) Section 3.2:

to permit a dwelling unit in an accessory building, whereas the By-law does not permit an accessory dwelling to be used for human habitation.

These variance requests relate to a proposed accessory structure with an accessory dwelling unit.

BACKGROUND

Property Description

The 1,933.90 m² (20,817 ft²) subject property is located on the east side of Wales Avenue, south of 16th Avenue and east of Main Street, within the Markham Village Heritage Conservation District. The property is located within an established residential neighbourhood comprised of a mix of older, one and two-storey detached dwellings. Mature vegetation exists across the property.

There is an existing two storey frame dwelling on the property, which according to assessment records was constructed in 1910. Also on the property is a one and a half storey frame accessory building of approximately the same age, which has been approved for demolition.

Heritage Status

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Mount Joy neighbourhood of the Markham Village Heritage Conservation District. The dwelling is a Type B building (contextual value) within the District.

Proposal

The applicant is proposing to replace the existing accessory building with a new accessory building in roughly the same location. The new accessory building will have a similar

architectural character to the existing building; will be one and a half storeys in height with two garage bays on the main floor; and, an upper level proposed to contain an accessory dwelling unit. A small tool shed is proposed to be attached to the south end of the main part of the building connected by a breezeway. On the rear of the entire structure, a covered seating area facing the back yard is proposed. Since this is a Site Plan Control area, an application for Site Plan Approval is expected to be submitted pursuant to this application for Minor Variance.

The applicant is requesting permission for a secondary suite in the loft of the proposed accessory building. The proposed secondary suite would have direct and separate access provided by a door within the breezeway at the south end of the main part of the accessory building, giving access to an enclosed stairway leading to the upper level. The existing driveway provides adequate parking to serve both the main dwelling and the proposed accessory dwelling unit.

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and row houses, as well as permitting a residential unit in ancillary structures to a detached house, semi-detached house or rowhouse. Under this legislation, “second suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the Growth Plan, 2019 requires municipalities to provide a diverse range and mix of housing option including second units to support complete communities.

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 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width

of proposed garages and driveways, and the overall orientation and sizing of new lots within a residential neighbourhood.

The 2014 Official Plan (Section 4.1.2.6) contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new permitted single-detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria and standards.

As previously mentioned, the City's Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings, and secondary suites in accordance with Section 8.13.8. A "Secondary Suite" in the 2014 Official Plan is defined as:

"...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons."

Section 8.13.8 states:

"That in considering an application to amend the zoning by-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the zoning by-law including:

- a) the building type in which the secondary suite is contained;*
- b) the percentage of the floor area of the building type devoted to the secondary suite;*
- c) the number of dwelling units permitted on the same lot;*
- d) the size of the secondary suite;*
- e) the applicable parking standards; and*
- f) the external appearance of the main dwelling."*

Zoning By-Law 1229, as Amended

The subject property is zoned R1 under By-law 1229, as amended, which permits single detached dwellings and accessory buildings.

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 character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to building height for the proposed accessory building.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, *"Due to design of the building reflecting the existing heritage accessory building that is being demolished."*

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on April 27, 2020 to confirm the variances required for the proposed development.

COMMENTS

Application 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.

Planning staff have no concerns regarding the requested variances as the replacement accessory building will be in the same location on the property as the existing accessory building that is proposed to be demolished and, the overall appearance and scale of the new building will be of similar character to the existing condition on the property. Since the proposed height of the new accessory building will be similar to that of the existing accessory building, staff have no objections to the requested variance for maximum building height.

With respect to the accessory dwelling unit, there is adequate existing parking on the property to serve both the main dwelling and the proposed accessory dwelling unit. There will be minimal visual impact of the accessory dwelling unit on the street view, therefore, staff have no concerns regarding the requested variances pertaining to the accessory dwelling unit within an accessory building. Staff have taken into consideration the policies of the 2014 Official Plan as it relates to Secondary Suites in the evaluation of this application.

Heritage Markham

Heritage Markham Committee reviewed the Minor Variance Application at its meeting of June 10, 2020 and had no objections to the approval of the requested variances.

Engineering and Urban Design

The City's Engineering and Urban Design Departments will address grading, servicing and tree preservation as part of the processing of the anticipated Site Plan Control Application required to implement the proposal.

Fire and Emergency Services

Secondary Suites

Fire and Emergency Services Department regulate and record secondary suites to make sure they comply with the applicable provisions of the Ontario Building Code and Fire Code and to ensure that emergency services are aware of their existence. Should this application be approved, the applicant will be required to obtain a building permit which ensures the secondary suite will be in compliance with Building Code and Fire Code regulations, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing

forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

EXTERNAL AGENCIES

TRCA Comments

A small portion of the subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The far eastern portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on June 26, 2020 (Appendix "C"), which indicated that as the proposed development is sufficiently set back from the Regulated Area on the property, they have no concerns and no requirement for a permit, subject to the condition that the applicant/owner remit the applicable application review fees.

CN Rail Requirements

CN Rail provided comments on this application on June 9, 2020 (Appendix "C"), requiring that conditions be included in the approval of this application to address that this property borders on the Uxbridge Subdivision (GO Transit Stouffville Line). These conditions include a standard Warning Clause and Environmental Easement. The wording for the Environmental Easement is included as part of Appendix "D".

PUBLIC INPUT SUMMARY

No written submissions were received as of June 29, 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 variances requested meet the four tests of the Planning Act and have no objection to their approval. Staff recommend that the Committee consider public input in reaching a decision.

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

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

PREPARED BY:

George Duncan, Senior Heritage Planner

REVIEWED BY:

Regan Hutcheson, Development Manager, Heritage Districts

APPENDIX “A”

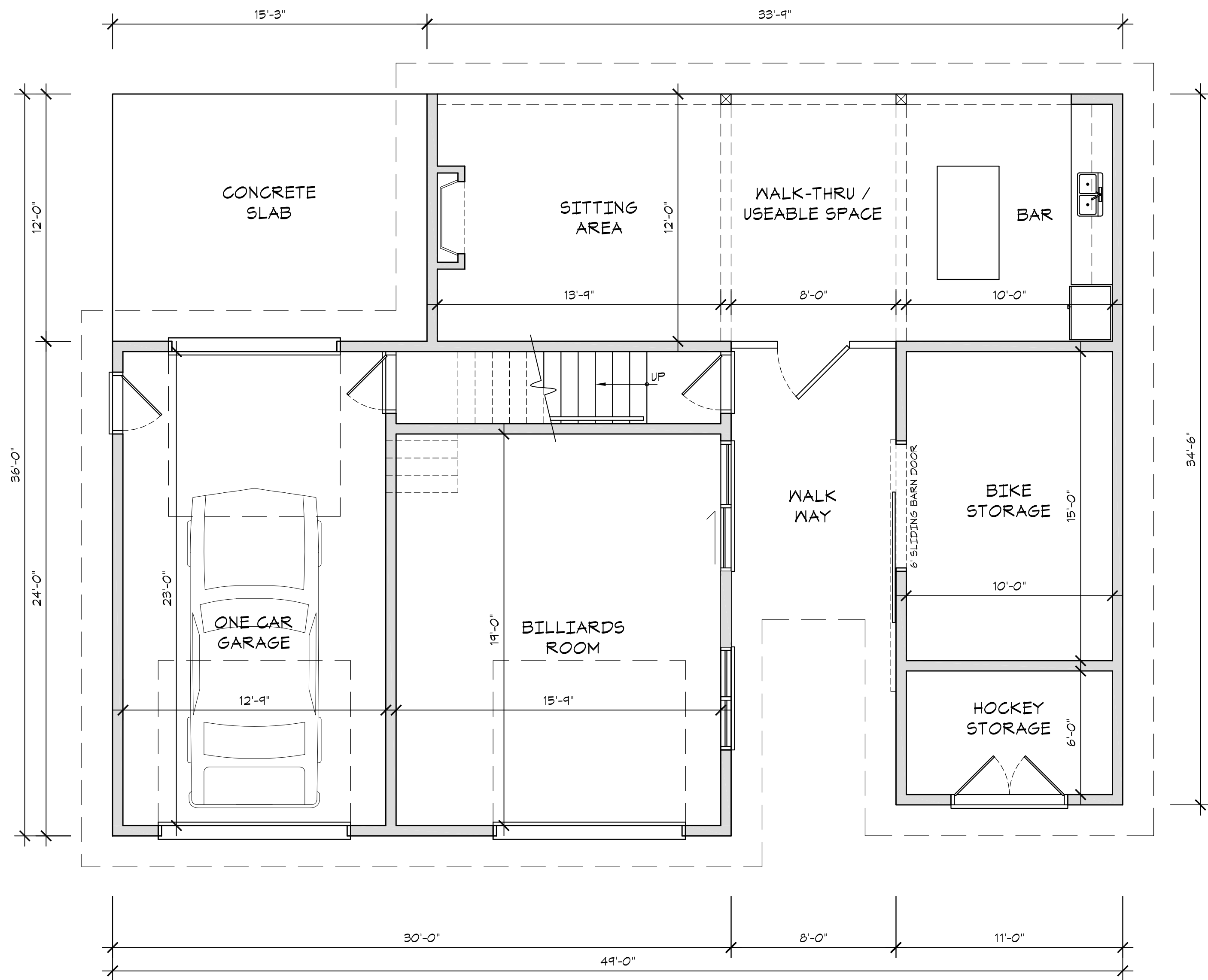
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/064/20

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report and received by the City of Markham on May 20, 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;
3. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
4. That the applicant satisfies the requirements of the Toronto and 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 TRCA; and,
5. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix “D” to this Staff Report, to the satisfaction of Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:

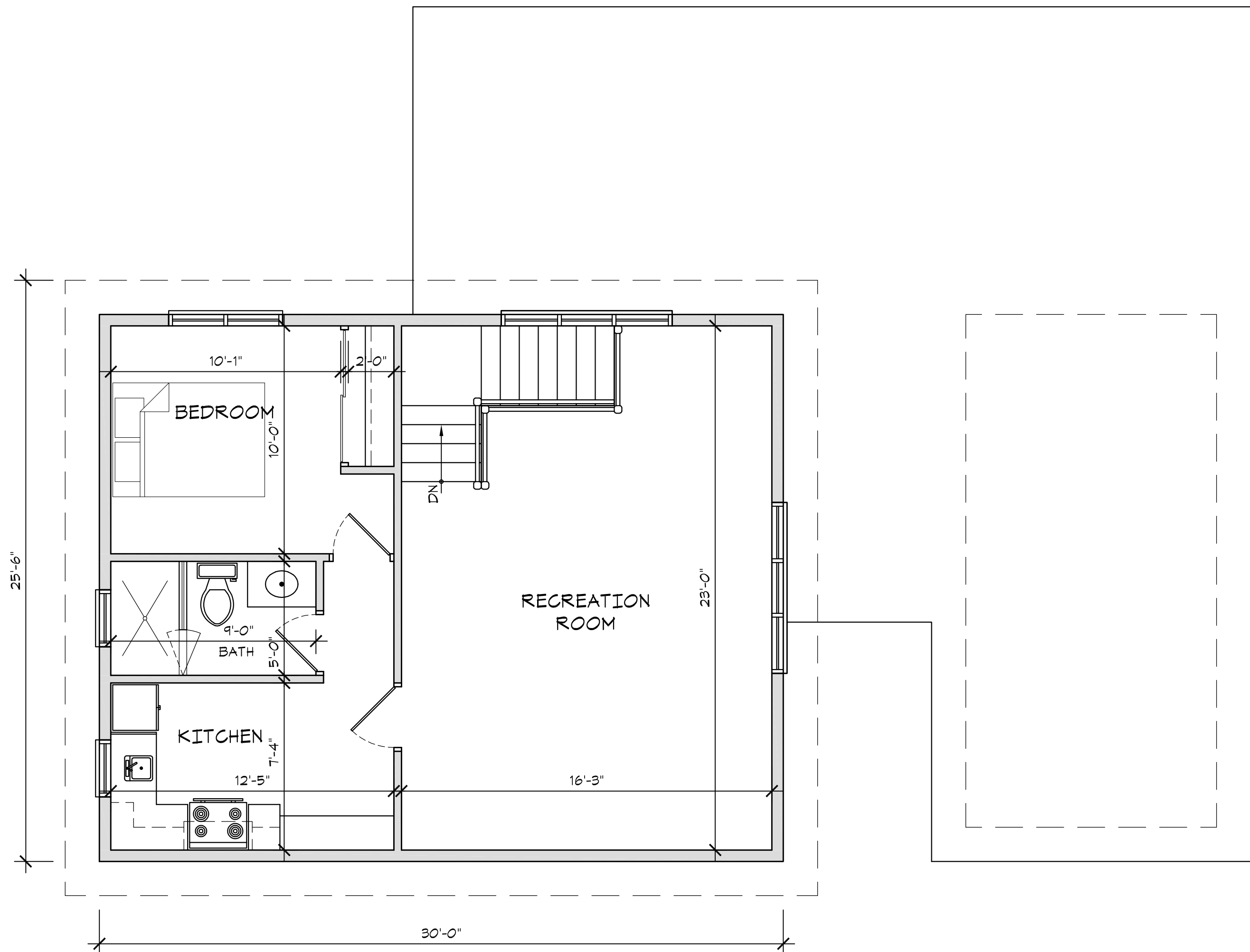
George Duncan, Senior Heritage Planner

APPENDIX “B”
Approved drawings



GROUND FLOOR PLAN

PROPOSED LAYOUT
BUILDING AREA = 1,468 sq.ft.



SECOND FLOOR PLAN

PROPOSED LAYOUT
FLOOR AREA = 720 sq.ft.
OPEN TO BELOW = 44 sq.ft.
TOTAL N.F.A. = 676 sq.ft.

GENERAL NOTES:

ALL CONSTRUCTION IS TO CONFORM TO SECTION "9" OF THE ONTARIO BUILDING CODE (LATEST EDITION).

CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.

DO NOT SCALE DRAWINGS.

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BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

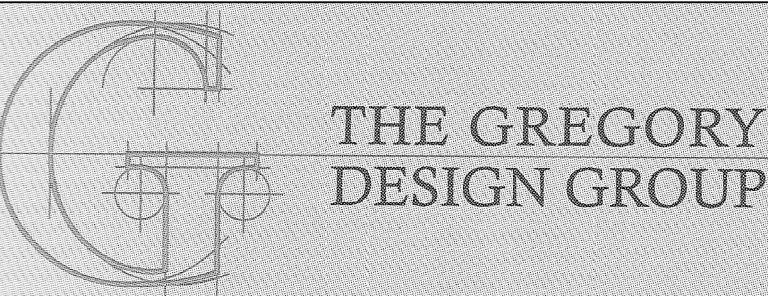
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

PROPOSED ACCESSORY BUILDING
31 WALES AVENUE
CITY OF MARKHAM



16 CHURCH STREET
MARKHAM, ONTARIO L3P 2L6
416-520-0978
shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 05/20/20
PROJECT NUMBER 2169-19	SHEET NUMBER
DRAWN BY S.Gregory	A-1
CHECKED BY R.G.	



FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

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REVISIONS AND DATA	DATE

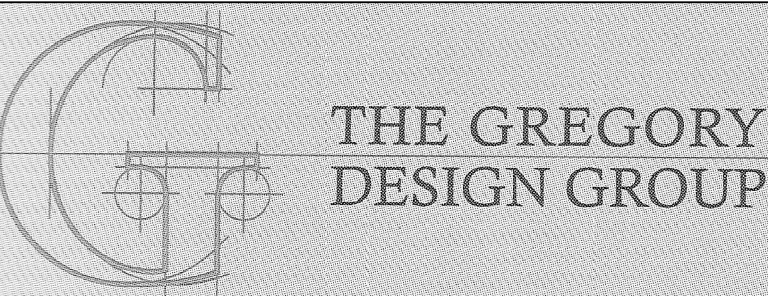
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Russ Gregory
NAME SIGNATURE

PROJECT TITLE

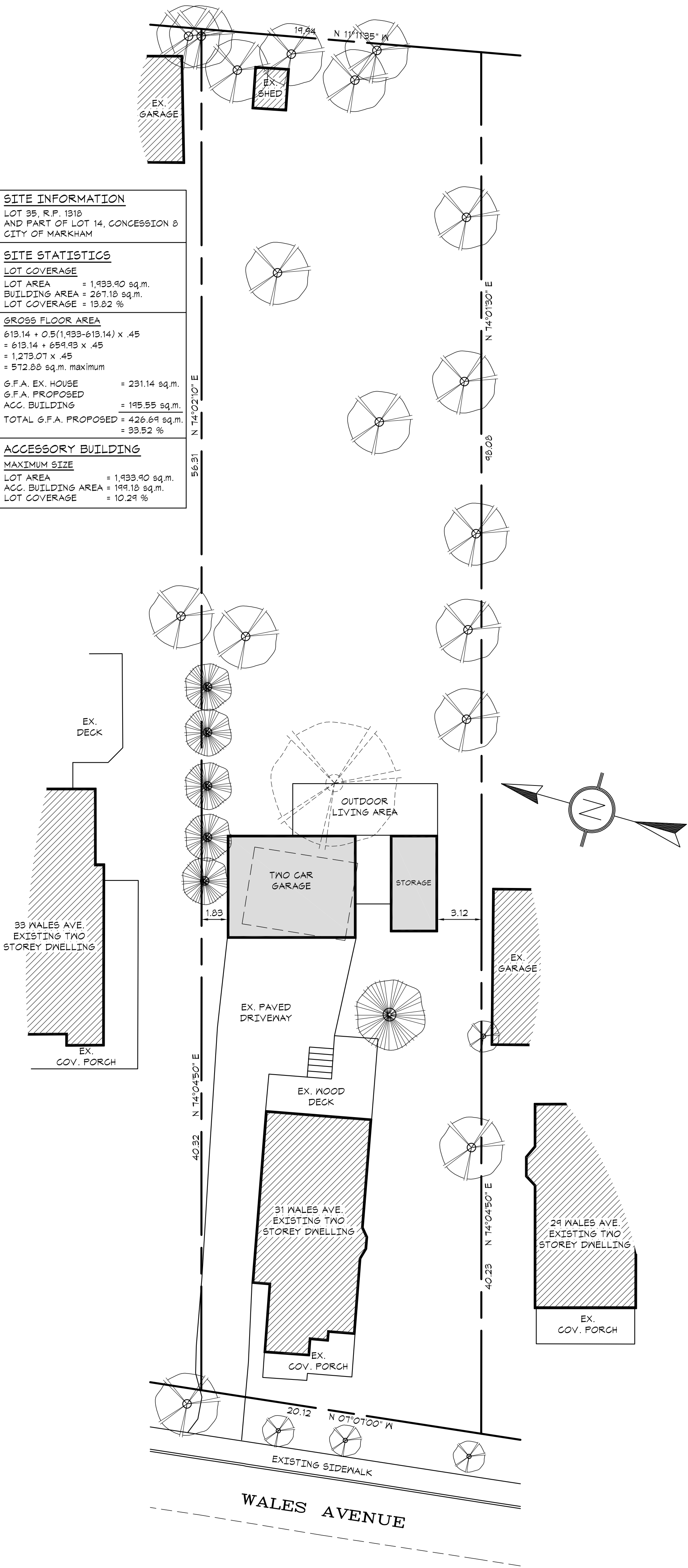
PROPOSED ACCESSORY
BUILDING
31 WALES AVENUE
CITY OF MARKHAM



16 CHURCH STREET
MARKHAM, ONTARIO L3P 2L6
416-520-0978
shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 05/20/20
PROJECT NUMBER 2169-19	SHEET NUMBER A-2
DRAWN BY S.Gregory	CHECKED BY R.G.

SITE INFORMATION	
LOT 35, R.P. 1318 AND PART OF LOT 14, CONCESSION 8 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 1,833.90 sq.m.
BUILDING AREA	= 267.18 sq.m.
LOT COVERAGE	= 13.82 %
GROSS FLOOR AREA	
613.14 + 0.5(1,833-613.14) x .45	
= 613.14 + 659.93 x .45	
= 1,273.07 x .45	
= 572.88 sq.m. maximum	
G.F.A. EX. HOUSE	= 231.14 sq.m.
G.F.A. PROPOSED	= 195.55 sq.m.
ACC. BUILDING	
TOTAL G.F.A. PROPOSED	= 426.69 sq.m.
	= 53.52 %
ACCESSORY BUILDING	
MAXIMUM SIZE	
LOT AREA	= 1,833.90 sq.m.
ACC. BUILDING AREA	= 194.18 sq.m.
LOT COVERAGE	= 10.24 %



SITE PLAN
SCALE = 1:200



GENERAL NOTES:

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BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

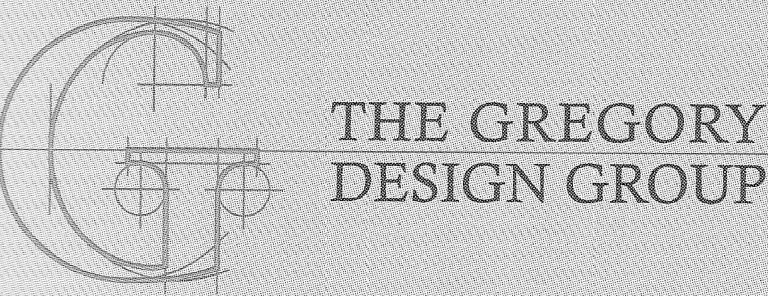
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825
Firm B.C.I.N. - 30506

Russ Gregory
NAME SIGNATURE

PROJECT TITLE

**PROPOSED ACCESSORY
BUILDING
31 WALES AVENUE
CITY OF MARKHAM**



16 CHURCH STREET
MARKHAM, ONTARIO L3P 2L6
416-520-0978
shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 05/20/20
PROJECT NUMBER 2169-19	SHEET NUMBER A-3
DRAWN BY S.Gregory	
CHECKED BY R.G.	

SURVEYOR'S REAL PROPERTY REPORT OF
PART 1:
PLAN OF LOT 35
REGISTERED PLAN 1318
AND
PART OF LOT 14
CONCESSION 8
CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)

SCALE = 1 : 200

A. AZIZ SURVEYORS INC., O.L.S.

METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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PART 2:
REPORT
• THIS REPORT WAS PREPARED FOR S.GREGORY, AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

BOUNDARIES
• LOT 35, REGISTERED PLAN 1318 AND PART OF LOT 14, CONCESSION 8

TITLE SEARCH INDICATES
• NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.

ZONING
• NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE
FOR THE SUBJECT PROPERTY (PROPERTIES).

FENCES
• PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE SOUTHERLY,
NORTHERLY & EASTERLY BOUNDARIES. THEY ARE LOCATED OVER THE SUBJECT
BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.

BEARING NOTE
• BEARING ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT
OF WALES AVENUE HAVING A BEARING OF N07°07'00"W AS SHOWN ON
PLAN 65R-14183

GEODETIC
• ELEVATIONS SHOWN GEODETIC DERIVED FROM CITY OF MARKHAM
BENCH MARK #00819768483, ELEVATION 202.502 M

LEGEND:
■ DENOTES SURVEY MONUMENT FOUND
○ DENOTES SURVEY MONUMENT SET
N.E.S.W. STANDARD IRON BAR
F. NORTH, EAST, SOUTH, WEST
CLF. CHAIN LINK FENCE
P. REGISTERED PLAN 1318
HAB. HOLDING & SHARED, O.L.S.
CWH. CARTER & HORNWOOD, O.L.S.
T137. E.G. MARKER, O.L.S.

IB. DENOTES IRON BAR
WB. WAREHOUSE
CB. CATCH BASIN
OU. ORIGIN UNKNOWN
MS. MEASURED
DT. DECIDUOUS TREE
CT. CONIFEROUS TREE
DS. DOOR SILL
DHW. OVER HEAD WIRE
RW. RETAINING WALL
CT. CUT CROSS
WT. WITNESS
PROD. PRODUCTION

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 24th DAY OF MARCH, 2020

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2118934

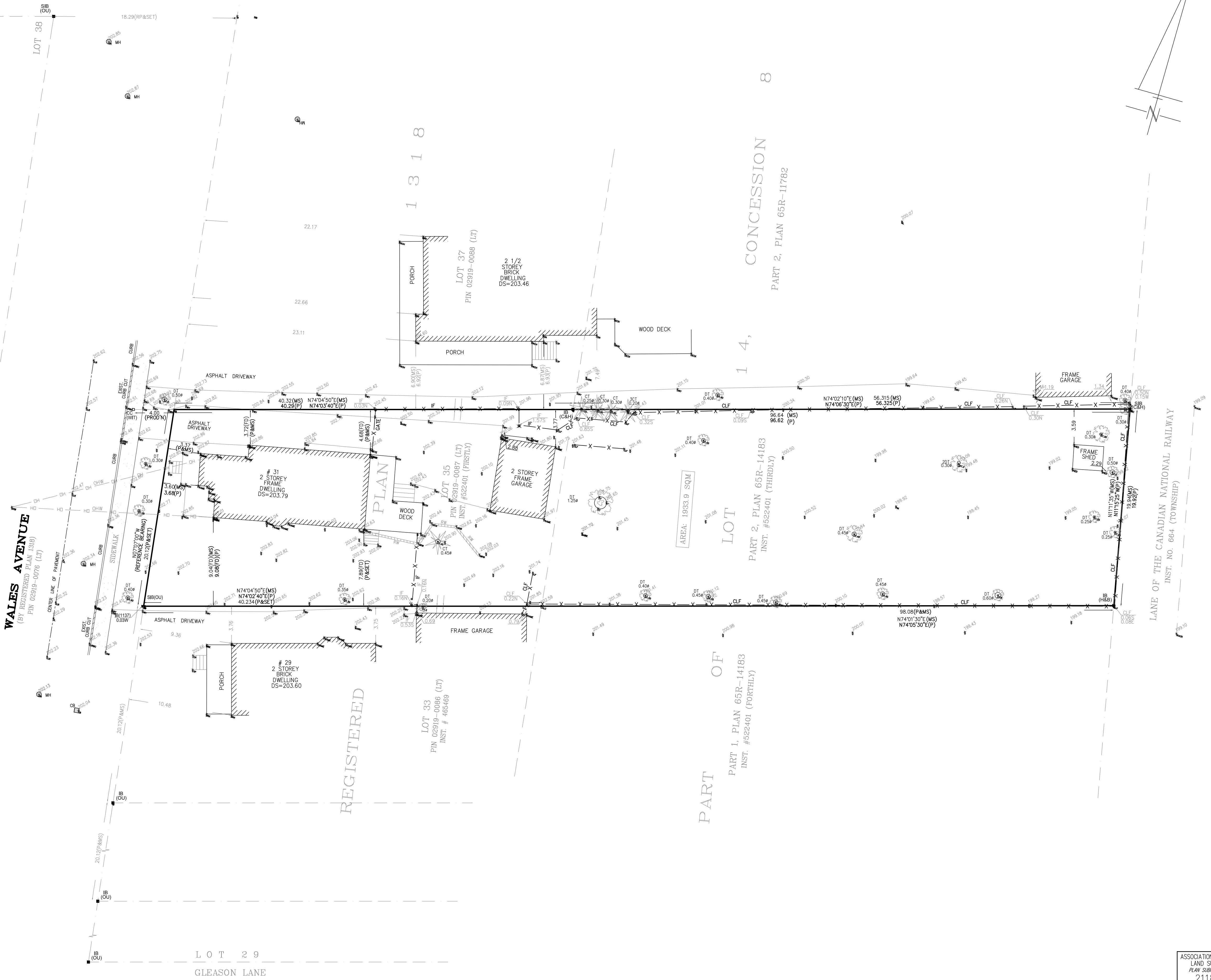
THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 28(3).

DATE: MARCH 30, 2020

A. ABDEL SHAHID
ONTARIO LAND SURVEYOR

A. AZIZ SURVEYORS INC.
ONTARIO LAND SURVEYORS
120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7
Tel. (905) 237-8224 Fax: (416) 477-5465
Website: M-Azizsurveyors.ca
E-Mail: aaziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT	
20-067	31 WALES AVENUE (SR-PR)	
DRAWN BY	C.H. CHECKED BY	A.A.



APPENDIX “C”
TRCA comments

June 26, 2020

CFN 62567.07

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

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

Dear Mr. Leung:

Re: A/064/20 (Minor Variance Application)
31 Wales Avenue, City of Markham
Owner: Todd McDowell and Liz Butler
Agent: Shane Gregory

Thank you for circulating the above noted application to the Toronto and Region Conservation Authority (TRCA). TRCA staff have reviewed the material related to this application and our comments are provided herein.

Purpose of the Application

The applicant is requesting relief from the requirements of By-law 1229 163-78, as amended, as it relates to a proposed accessory structure.

- a) Section 11.3:
A maximum building height of 6.85 m, whereas the By-law requires a building height of 3.65 m.
- b) Section 6.1:
To permit an accessory dwelling unit, whereas the By-law does not permit such unit.
- c) Section 3.2:
To permit a dwelling unit in an accessory building, whereas the By-law does not permit such a unit as it relates to a proposed accessory structure.

Applicable TRCA Regulations and Policies

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

Ontario Regulation 166/06, as amended:

Based on the available information at this time, the eastern portion of the subject property is partially within TRCA's Regulated Area due to its proximity to a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit may be required from the TRCA prior to any of the following works taking place in the Regulated Area:

- a) 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, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

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

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

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

Provincial Policy Statement (2020):

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

Through a MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry, the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to Conservation Authorities where the province is not involved.

Application Specific Comments

Based on our review of the submitted material, the location of the proposed accessory dwelling structure (two car garage with storage) appears to be sufficiently set back from the adjacent valley corridor and TRCA's Regulated Area. On this basis, TRCA staff have no concerns with the subject minor variance application.

Please note, as the location of the proposed two car garage with storage and outdoor living area identified on the submitted site plan are outside of TRCA's Regulated Area, a permit from the TRCA under Ontario Regulation 166/06, as amended is not required. If any grading or site alteration works are proposed towards the rear/eastern property line (near TRCA's Regulated Area), please contact the TRCA to determine if a permit is required from our office.

Application Review Fee

The TRCA has implemented a fee schedule for our planning application review services. In accordance with our 2018 TRCA Planning Services Fee Schedule, this application is subject to a **\$580** Minor Variance application review fee payable to the TRCA.

Please note that the landowner also has an outstanding review fee of **\$550** (2016 TRCA Planning Fee Schedule) associated with a past Minor Variance application (City File: A/115/17) reviewed by TRCA.

Remittance of all outstanding review fees to TRCA is required at this time. The electronic invoices for each outstanding payment will be emailed to the landowner to facilitate an online payment.

Recommendation

In light of the above, TRCA staff have no objections to this application, subject to the following condition:

1. That the applicant/owner remit all outstanding review fees to the TRCA (\$580 for A/064/20 + \$550 for A/115/17).

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

Sincerely,



Andrea Lam
Planner I
Development Planning and Permits
Extension 5306

AL/mb

CC: butler.liz@gmail.com

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APPENDIX “D”
Metrolinx comments

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Hello Justin,

Further to the Minor Variance Circulation for 31 Wales Avenue, dated May 22nd, 2020, I note that the subject site is immediately adjacent to Metrolinx's Uxbridge subdivision which carries Stouffville GO Train Service. I further note that the subject minor variance application is to permit an accessory dwelling unit to the residential dwelling. We have no objections to the application, however, ask that the following be included in any conditions of approvals related to the minor variance and/or subsequent site plan application;

*The following warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

*The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx. I have attached our Environmental Easement language as a reference.

Should you have any questions or concerns, please feel free to contact myself.

Thank you,

Terri Cowan

Third Party Projects Officer

Third Party Projects Review| Capital Projects Group

Metrolinx | 20 Bay Street, Suite 600 | Toronto, Ontario | M5J 2W3

T: 416-202-3903 C: 416-358-1595



Form of Easement

WHEREAS the Transferor is the owner of those lands legally described [insert legal description] (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting or releasing thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.