

# **Memorandum to the City of Markham Committee of Adjustment**

November 18, 2020

**File:** A/110/20  
**Address:** 10162 Warden Ave, Markham  
**Applicant:** Charlotte Schickedanz  
**Agent:** Delta Urban Inc. (Hatim Jafferjee)  
**Hearing Date:** Wednesday, December 02, 2020

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

The applicant is requesting relief from the following requirement of By-law 304-87, as amended:

**a) Section 6.1. Permitted Uses**

To permit one semi-detached dwelling as an accessory use to a permitted agricultural use, whereas the By-law permits one single detached dwelling as an accessory use to a permitted agricultural use, and an additional accessory dwelling unit used for the accommodation of persons necessary to the operation of the agricultural use undertaken on the farm.

The applicant is also requesting relief from the following requirement of By-law 28-97:

**b) Section 6.2.4.3 b) Provisions for Parking Pads**

To permit a driveway width of 12.33 metres, whereas the By-law permits a maximum parking pad width of 6.1 metres.

## **BACKGROUND**

### **Property Description**

The 30.1 ha (74.4 ac) subject property is located on the west side of Warden Avenue, north of Major Mackenzie Drive and south of Elgin Mills Road (see Figures 1 and 2). The property is located within an area currently comprised of rural residential and agricultural properties; however, the area is undergoing a transition. The property is located within the City's Future Urban Area and is within the boundaries of the Berczy Glen Secondary Plan Area.

The property, known municipally as 10162 Warden Avenue, is currently occupied by farm accessory buildings, including three barns.

The subject property is partially within TRCA's Regulated Area as the western portion of the site is traversed by a valley corridor associated with the Rouge River Watershed.

### **Proposal**

The applicant is proposing to relocate an existing semi-detached dwelling currently located at 10348 Warden Avenue to a new location on the subject property (see Figure 3 and Appendix B). The semi-detached dwelling is currently used for the accommodation of farm workers. The semi-detached dwelling will continue to be used to accommodate persons necessary to the operation of the farm. No other dwelling is proposed on the lot. The applicant is seeking to relocate the existing semi-detached dwelling because development

is set to occur on 10348 Warden Avenue, which requires removal or demolition of all existing structures.

The proposal also includes the creation of a new parking pad. In order to accommodate four parking spaces, the width of the proposed parking pad is proposed to exceed the maximum width permitted in By-law 28-97, as amended. By-law 28-97 requires two parking spaces per dwelling unit, for a total of four parking spaces for the semi-detached dwelling.

### **Official Plan and Zoning**

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

The 2014 Official Plan designates the subject property 'Residential Low Rise', 'Residential Mid Rise I', 'Residential Mid Rise II' and 'Greenway'.

The subject property is located within the Berczy Glen Secondary Plan Area, which is located within the concession block bounded by Major Mackenzie Drive East, Warden Avenue, Elgin Mills Road East, and Woodbine Avenue. The Berczy Glen Secondary Plan was adopted by Markham Council on November 27, 2018 and approved by York Region Council on June 13, 2019.

### Zoning By-Law 304-87

The subject property is zoned 'Agriculture One (A1)' and 'Open Space (O1)' under By-law 304-87, as amended. The 'A1' Zone permits agricultural uses, one single family detached dwelling as an accessory use to a permitted agricultural use, storage of agricultural produce as an accessory use, seasonable vegetable or fruit stands, private home daycare and public conservation projects. The 'O1' Zone permits golf courses, parks, athletic fields and public conservation projects.

### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant also received comments from the building department through their permit process. The applicant submitted revised drawings on October 23, 2020 however; the applicant has not conducted a Zoning Preliminary Review for the revised drawings. 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**

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.

### **Permitted Uses**

The applicant requests relief to permit a semi-detached dwelling as an accessory use to a permitted agricultural use, whereas By-law 304-87 permits one single detached dwelling as an accessory use to a permitted agricultural use. By-law 304-87 also permits an additional dwelling unit located on the same lot if used for the accommodation of persons necessary to the operation of the agricultural use undertaken on the farm.

Based on the above, By-law 304-87 permits two separate units on the same lot, provided they are both accessory to a permitted agricultural use, and one is used solely to accommodate persons necessary to the operation of the agricultural use. The applicant's proposal is for one accessory semi-detached dwelling that is comprised of two units. The two units will be used to accommodate persons necessary to the operation of the agricultural use.

Staff are of the opinion that the proposed variance is in keeping with the general intent and purpose of the Zoning By-law. By-law 304-87 permits two accessory units on the lot in two separate buildings. The proposal is for two accessory units on the lot in one building. A variance is required as the two permitted units are provided for in one semi-detached dwelling, as opposed to in two single-detached dwellings.

The applicant is requesting this variance because 10348 Warden Avenue is preparing to undergo development, in accordance with the Berczy Glen Secondary Plan, and all structures on the property are being demolished or relocated. The applicant intends to continue the operation of agricultural uses on the subject property (10162 Warden Avenue), and as such, wishes to relocate their existing semi-detached dwelling from 10348 Warden Avenue in order to continue to accommodate persons necessary to the operation of the agricultural use.

### **Increase in Maximum Driveway Width**

The applicant requests relief from Section 6.2.4.3 b) of By-law 28-97, as amended, in order to construct a parking pad with a width of 12.33 metres, whereas the By-law permits a maximum parking pad width of 6.1 metres. This represents an increase of approximately 6.2 metres.

The proposed variance is being sought in order to provide four parking spaces. By-law 28-97 requires two parking spaces per dwelling unit, which totals four parking spaces for a semi-detached dwelling. The semi-detached dwelling does not have a garage.

As per the plans provided, the applicant's request for a 12.33 metre wide driveway has been measured at the driveway's maximum width, and does not span the entire length of the driveway. It is also noted below that the Regional Municipality of York permits a maximum driveway width of 5.0 metres in rural areas. Given the size of the property and the 128 m (420 ft) frontage along Warden Avenue, Staff are of the opinion that the proposed variance is minor in nature and will not result in a loss of soft landscaping area. Staff advise the applicant that the driveway within the Regional right-of-way is only permitted to be a maximum of 5.0 metres in width.

## **EXTERNAL AGENCIES**

### TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The western portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on November 12, 2020 (Appendix C), indicating that the subject property is located partially within TRCA's Regulated Area, as it consists of a stream/valley corridor, and associated Regulatory Storm floodplain within the Rouge River Watershed, and also contains part of the Bruce & Berczy Creek Provincially Significant Wetland Complex associated with the stream/valley corridor. However, TRCA staff outlined that the area associated with the proposed development is outside of TRCA's Regulated Area under Ontario Regulation 166/06, and therefore no permit is required from the TRCA for the proposed dwelling structure, driveway and septic system.

TRCA has no concerns subject to conditions outlined in their letter (Appendix C).

### The Regional Municipality of York Comments

The Regional Municipality of York offered the following comment: Residential driveways to a Regional Road in a rural area is 5.0m wide as per Regional Standard DS-214. If the applicant is proposing any modifications to the existing or new construction, they will require engineering approval. They must also submit landscape plans.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 18, 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 variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the 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:



---

Amanda Crompton, Planner, North District



REVIEWED BY:

A handwritten signature in cursive script that reads "Stephen Kitagawa". The signature is written in dark ink and is positioned below the "REVIEWED BY:" text.

---

Stephen Kitagawa, Development Manager, West District

File Path: Amanda\File\ 20 130850 \Documents\District Team Comments Memo

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/110/20**

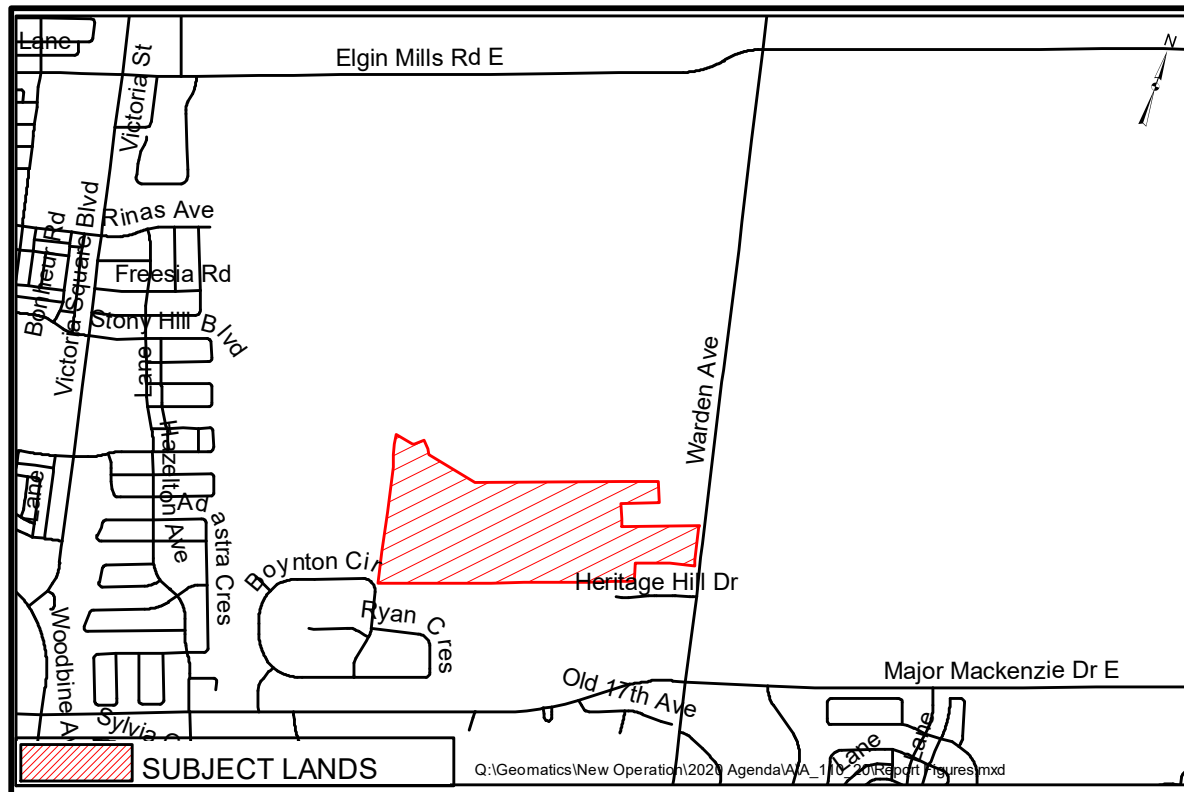
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on October 23, 2020, and that the Secretary-Treasurer 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 implement and maintain all of the works required in accordance with the conditions of this variance;
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 the applicant remits the outstanding TRCA Planning Services review fee for this application (\$580) to TRCA; and,
6. That the applicant seek engineering approval from the Region of York if they are proposing any modifications to the existing or new construction of a residential driveway. Residential driveways to a Regional Road in a rural area is 5.0m wide as per Regional Standard DS-214.

CONDITIONS PREPARED BY:



---

Amanda Crompton, Planner, North District







# AERIAL PHOTO 2020

APPLICANT: Wageman Nominee Ltd. (Charlotte Schickedanz)  
10162 Warden Avenue

FILE No. MNV 20 130850

Q:\Geomatics\New Operation\2020 Agenda\A\A\_110\_20\Report Figures.mxd

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: AC

DATE: 11/10/2020

**FIGURE No. 2**

 SUBJECT LANDS









**PROPOSED RESIDENTIAL SUBIVISION  
REFER TO FILE NO. ZA/SU 18 235516****EXISTING RESIDENTIAL  
DWELLING TO BE  
RELOCATED****REFER to  
DETAIL 'A'****EXISTING RESIDENTIAL**  
**EXISTING RESIDENTIAL**  
**EXISTING RESIDENTIAL****SITE STATISTICS****ZONING BY-LAW 304-87****ZONING DESIGNATION: A1 - AGRICULTURE ONE ZONE  
and O1 - OPEN SPACE**

ZONING	REQUIRED	PROPOSED
LOT AREA	10.0ha (24.71ac)	30.12ha (74.43ac)
LOT FRONTAGE	120m	128.07m
LOT DEPTH	N/A	992.58m
FRONT YARD SETBACK	12m*, (40m)	34.01m (51.36m)
SIDE YARD SETBACK		
RESIDENTIAL DWELLING	6.0m	6.50m, 102.56m
REAR YARD SETBACK		
RESIDENTIAL DWELLING	7.5m	946.29m
RESIDENTIAL DWELLING AREA	N/A	212.31m <sup>2</sup>
TOTAL BUILDINGS COVERAGE	N/A	106.15m <sup>2</sup> (0.03%)

\* **Section 5.5, Setbacks:** no part of any building or structure shall be constructed within 40m of the centreline of any arterial road or provincial highway as designated in the Official Plan of the Markham Planning Area.

THIS SITE PLAN IS BASED ON PLAN OF  
SURVEY PREPARED BY LLOYD & PURCELL  
LTD. DATED OCTOBER 13, 2017.

**SITE PLAN****WAGEMA NOMINEE LIMITED**  
**10348 WARDEN AVENUE**  
**CITY of MARKHAM**

PARTS 2 AND 3, REGISTERED PLAN 65R-37730  
PART OF LOTS 22 AND 23, CONCESSION 4,  
GEOGRAPHIC TOWNSHIP OF MARKHAM,  
REGIONAL MUNICIPALITY OF YORK

Job No.

File No: Site Plan.dwg

Date: October 23, 2020

DWG No.

**A0.1**

8800 Dufferin Street, Suite 104  
Vaughan, Ontario, L4K 0C5  
Tel: (905) 660-7667 Fax: (905) 660-7076

SCALE 1:2000







SITE STATISTICS		
ZONING BY-LAW 304-87		
ZONING DESIGNATION: A1 - AGRICULTURE ONE ZONE and O1 - OPEN SPACE		
ZONING	REQUIRED	PROPOSED
LOT AREA	10.0ha (24.71ac)	30.12ha (74.43ac)
LOT FRONTAGE	120m	128.07m
LOT DEPTH	N/A	992.58m
FRONT YARD SETBACK	12m*, (40m)	34.01m (51.36m)
SIDE YARD SETBACK		
RESIDENTIAL DWELLING	6.0m	6.50m, 102.56m
REAR YARD SETBACK		
RESIDENTIAL DWELLING	7.5m	946.29m
RESIDENTIAL DWELLING AREA	N/A	212.31m²
TOTAL BUILDINGS COVERAGE	N/A	106.15m² (0.03%)
* Section 5.5, Setbacks: no part of any building or structure shall be constructed within 40m of the centreline of any arterial road or provincial highway as designated in the Official Plan of the Markham Planning Area.		

THIS SITE PLAN IS BASED ON PLAN OF SURVEY PREPARED BY LLOYD & PURCELL LTD. DATED OCTOBER 13, 2017.

**SITE PLAN - DETAIL 'A'**  
**WAGEMA NOMINEE LIMITED**  
**10348 WARDEN AVENUE**  
**CITY of MARKHAM**  
PARTS 2 AND 3, REGISTERED PLAN 65R-37730  
PART OF LOTS 22 AND 23, CONCESSION 4,  
GEOGRAPHIC TOWNSHIP OF MARKHAM,  
REGIONAL MUNICIPALITY OF YORK

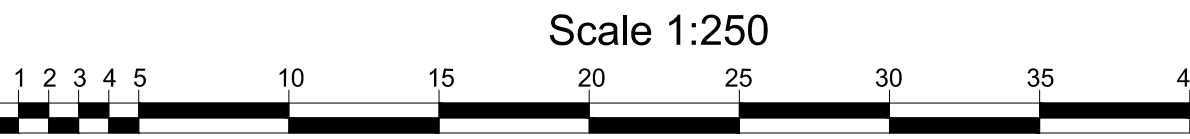
Job No.

File No: Site Plan.dwg

Date: October 23, 2020

DWG No.

**DELTA URBAN**  
8800 Dufferin Street, Suite 104  
Vaughan, Ontario, L4K 0C5  
Tel: (905) 660-7667 Fax: (905) 660-7076





GENERAL NOTES

SOIL REPORT:  
Soil bearing capacity to be confirmed by Contractor prior to construction.

CONCRETE:  
Unless specified elsewhere the compressive strength of unreinforced concrete shall be not less than 15 MPa (2200 psi) after 28 days. Garage floors, carport floors and all exterior flatwork including footing shall be not less than 32 MPa (4650 psi) concrete with 5 to 8 percent air-entrainment as per Sentence 9.3.1.6.(1). Provide bond-breaking material between concrete floor slab and footings as per Sentence 9.16.4.4.(1). Where dampproofing is not provided the concrete used for floors-on-ground shall have a compressive strength of not less than 25 MPa (3600 psi) after 28 days as per Sentence 9.16.4.5.(1). Concrete slabs in attached or built-in garages shall be sloped to drain to the exterior as per Sentence 9.35.2.2.(1).

FOOTINGS AND FOUNDATIONS:  
Footings and foundations shall conform to Section 9.15.  
All footings shall rest on undisturbed soils with an allowable bearing pressure of 120 kPa (2500 psf) or greater for buildings of wood frame or masonry construction (see soils report where applicable). Footing size shall be adjusted as per Subsection 9.15.3., where applicable. Where step footings are used, the vertical rise shall not exceed 600mm (23-5/8 in.), and the horizontal run shall be not less than 600mm (23-5/8 in.) as per Article 9.15.3.9. Maximum height of backfill for foundation walls shall conform to Subsection 9.15.4. Exterior foundation walls shall extend not less than 150mm (5-7/8 in.) above finished ground level as per Sentence 9.15.4.6.(1). and be suitable finished as per Article 9.15.6.2. Exterior surfaces of concrete block foundation walls shall be parged with not less than 6mm (1/4 in.) of mortar and finished as per Article 9.13.2.1. All waterproofing to conform to Article 9.13.3. Install asphalt coated building paper between foundation walls and basement wood studs on interior face. Waterproofing of foundation walls as per Article 9.13.3.5. Control of convection currents as per Sentence 12.3.2.4.

MASONRY:  
Where top of foundation wall is reduced in thickness to install masonry exterior facing, fill voids between wall and facing with mortar as per Article 9.15.4.7. Masonry supporting beams and columns shall conform to Article 9.20.8.4. Corbelling of solid masonry units shall conform to Subsection 9.20.12. Provide weepholes spaced not more than 800mm (2ft.7in.) apart in masonry veneer walls as required in Article 9.20.13.8. Exposed flashing materials shall conform to Article 9.20.13.1. Provide flashing for weepholes in masonry veneer/masonry walls as per Articles 9.20.13.5. Flashing beneath weepholes in masonry veneer over wood frame wall shall be installed so that it extends from not less than 5mm (3/16 in) beyond the front edge of the masonry to 150mm (5-7/8 in.) up behind the sheathing paper as per Sentence 9.20.13.6.(2). 9.26.4.4. and 9.26.4.6.  
Provide drip edge at windows sills as per Article 9.20.13.12. Masonry and concrete chimneys and flues shall conform to Section 9.21. Provide lateral stability for chimneys per Article 9.21.4.5. Chimney Caps shall conform to Article 9.21.4.6. Brick thickness for chimneys shall conform to Article 9.21.4.8. Masonry fireplaces shall conform to Section 9.22. Intersections of roofs and masonry walls shall conform to Articles 9.26.4.4. and 9.26.4.6.

BUILDING STRUCTURE:  
Unless noted otherwise Lumber and Wood Products shall conform to Subsection 9.3.2. Built-up wood columns shall conform to Sentence 9.17.4.2.(2). All members shall be so framed, anchored, fastened, tied and braced so as to provide the necessary strength and rigidity. See Article 9.23.2.1.

Steel beams shall at least meet the requirements for 350 W steel in CAN/CSA-G40.21, "Structural Quality Steel." See Article 9.23.4.3. Provide lateral support for steel beams as per Sentence 9.23.4.3.(3). Building frames shall be anchored to the foundation, by fastening the sill plate with 12.7mm dia. (1/2 in. dia.) anchor bolts max. 2.4m (7ft.10in.) o/c and embedded minimum 100mm (4in.) in foundation. See Article 9.23.6.1. Columns shall be securely fastened to the beam to prevent lateral movement. Anchorage of exterior columns and posts shall conform to Article 9.23.6.2. Provide adequate level bearing for all beams at the end supports as per Article 9.23.8.1. Posts supporting beams shall be provided with continuous solid support to the top of foundation wall or footing. Nailing/bolting patterns for built-up wood beams shall conform to Sentences 9.23.8.3.(7) and (8).

ELECTRICAL:  
Electrical facilities shall conform to Section 9.34.  
Electrical outlets in dwelling units to conform to Article 9.34.2.2.

GUARDS:  
Guards shall conform to Subsection 9.8.8.  
Guards shall be designed to resist the loads specified in Table 9.8.8.2. See Sentence 9.8.8.2.(1).  
Glass in guards to conform to MMAH Supplementary Standard SB-13.

STAIRS (INTERIOR/EXTERIOR):  
At least 1 stair between each floor level within a dwelling unit, and exterior stairs serving a single dwelling unit except required exit stairs, shall have a width of not less than 860mm (2ft.10in.). See Sentence 9.8.2.1.(2). Minimum height over stairs and landings within dwelling units shall be 1.95m (6ft.5in.). See Sentences 9.8.2.2.(1) & 9.8.6.4.(1).  
All stairs serving a single dwelling unit must meet uniform loading design requirements of 1.9 kPa.

Interior/Exterior stairs in single dwelling units		
	Max.(mm)	Min.(mm)
Rise	200 (7-7/8 in)	125 (4-7/8 in)
Run	355 (14 in.)	210 (8-1/4 in)
Tread Depth	355 (14 in.)	235 (9-1/4in.)
Height of handrails on stairs/ramps shall be 865mm (2ft.10in.) minimum and 965mm (3ft.2in.) maximum as per Sentence 9.8.7.4.(2). Height of handrails on landings (where guards are required) shall be 1070mm (3ft.6in.) maximum as pr Sentence 9.8.7.4.(3). Guards for flights of steps, except in required exit stairs, shall be not less than 900mm (2ft.11in.) high as per Sentence 9.8.8.3.(4).		

PROPOSED LOCATION OF DWELLING UNIT TO BE VERIFIED BY THE SURVEYOR. SITE PLAN & SEPTIC BY OTHERS. EX. DWELLING TO BE REMOVED FROM FND AND STORED ON CRIBBING UNTIL REPLACEMENT FOUNDATION SHOWN HERE HAS BEEN APPROVED. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT AND REPORT ANY DISCREPANCIES TO THE DESIGNER PRIOR TO CONTINUING. ALL WORK PERTAINING TO THE TEMPORARY BRACING AND STORAGE CRIBBING IS BY OTHERS. CONTRACTOR TO PROVIDE APPROVED ESA REPORT TO BUILDING DIVISION AT OCCUPANCY INSPECTION.

Column/Post Schedule

C1	H88 3.5"x3.5"x1/4"	BRG.PL. 6" X 5/8" X 10" A.B. 2-5/8" DIA.	12"
C2	H88 4"x4"x5/16"	BRG.PL. 10"x3/4"x10" A.B. 2-3/4" DIA.	12"
C3	H88 5"x5"x 0.188"	BRG.PL. 11"x3/4"x11" A.B. 2-3/4" DIA.	12"
P2 2-2x6	P5 5-2x6	P9 6 X 6	
P3 3-2x6	P6 6-2x6	P10 3-2x4	
P4 4-2x6	P7 1- 2x6	P11 4-2x4	
	P8 4 X 4	P12 5-2x4	

ALL WOOD FRAMING MEMBERS THAT ARE NOT PRESSURE TREATED AND WHICH ARE SUPPORTED ON CONCRETE IN CONTACT WITH GROUND OR FILL SHALL BE SEPARATED FROM THE CONCRETE BY MIN. 5mil POLYETHYLENE OR TYPE S ROLL ROOFING AS PER OBC. 9.23.2.3.(1) & (2)

Footing Schedule

F1	24" X 24" X 12" DEEP	
F2	30" X 30" X 16" DEEP	
F3	42" X 42" X 20" DEEP	6-15 BEW
F4	48" X 48" X 20" DEEP	7-15 BEW
F5	54" X 54" X 20" DEEP	8-15 BEW
STRIP FOOTINGS BELOW LOADBearing WALLS TO HAVE A 6" PROJECTION & BE MINIMUM 6" IN DEPTH (U.N.O.)		
ALL FOOTINGS TO BEAR ON UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL		
MIN. SOIL BRG. CAPACITY = 2500 PSF		
TO BE VERIFIED BY SOILS ENGINEER AS REQ'D		

SPECIFIC LOCATION OF HYDRO METER TO BE ESTABLISHED BY LOCAL UTILITY ON EXTERIOR OF THE HOUSE

ALL ELECTRICAL PANELS AND COMPONENTS TO COMPLY WITH OBC. 9.34.AND SPECIFIC REQUIREMENTS OF THE LOCAL UTILITY SUPPLIER

ALL CODE REFERENCES REFER TO O.B.C. 2012 DIVISION 'B'

Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

SCALE: 3/16" = 1'-0"

A-1



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.	
JOHN BARNHART	41773
REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.	
THE BUILDING PERMIT GUY	103362
FIRM NAME	BCIN

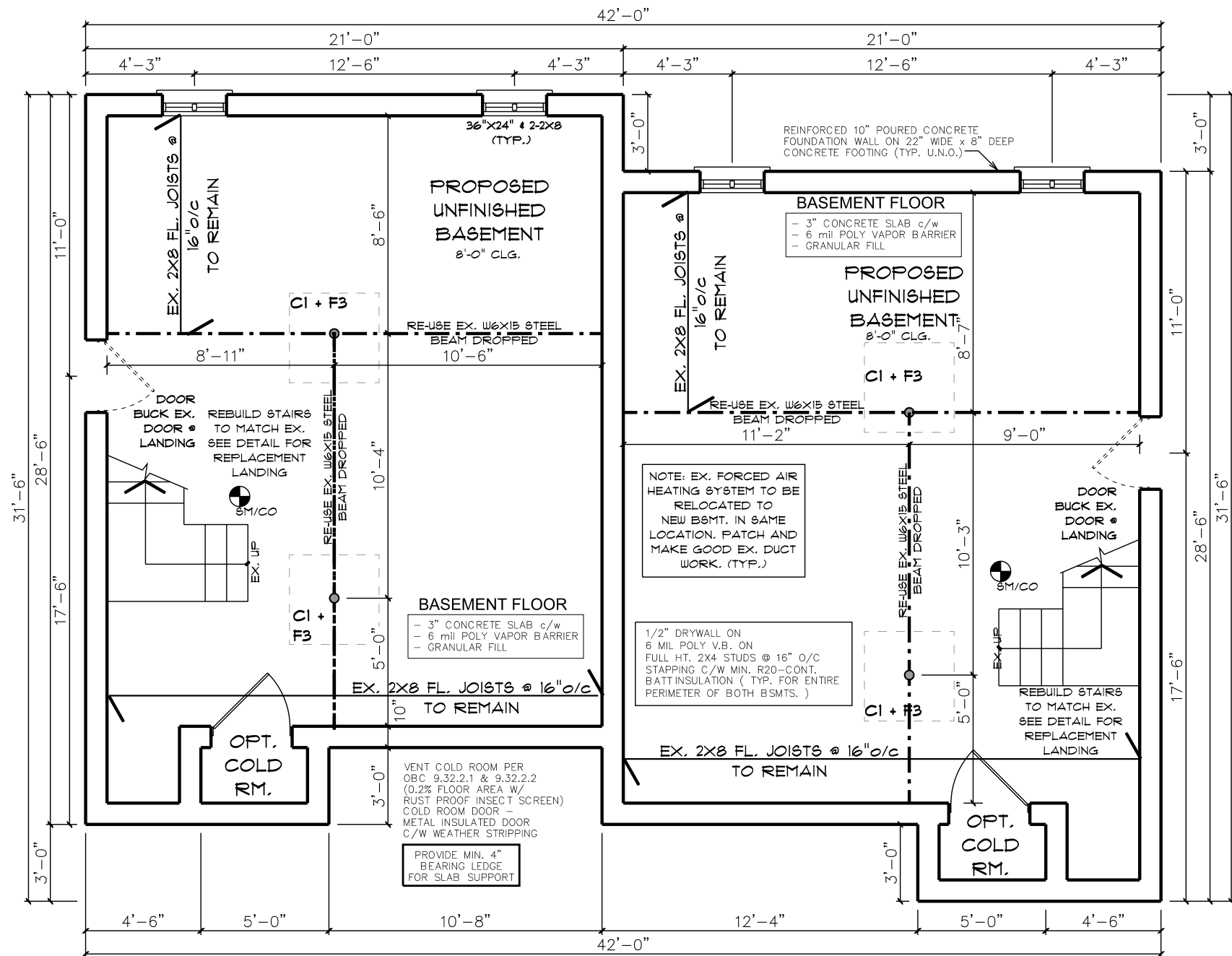


## Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

MM/DD/YY



PROPOSED FOUNDATION PLAN

### DO NOT SCALE DRAWINGS

#### NOTE:

- 1) Contractor to check all dimensions, specifications, ect. on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
- 2) All works to be in accordance with the ONTARIO BUILDING CODE.

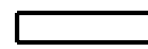
### DRAWING LEGEND



EXISTING AREA  
NO CHANGES  
PROPOSED



RE-USE EX  
SMOKE & C.O.



NEW 12" CONCRETE FOUNDATION  
WALL. SEE DETAILS



EXISTING WALL ASSEMBLY, NO  
CHANGES PROPOSED  
KNOWN LOAD BEARING WALLS  
INDICATED ON DRAWING

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.	
JOHN BARNHART	41773
REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.	
THE BUILDING PERMIT GUY	103362
FIRM NAME	BCIN

## NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

653 Haldimand Rd 17, Dunnville, ON N1A 2W4

PH 289.308.6442

Info@TheBuildingPermitGuy.ca

SCALE: 3/16" = 1'-0"

A-2

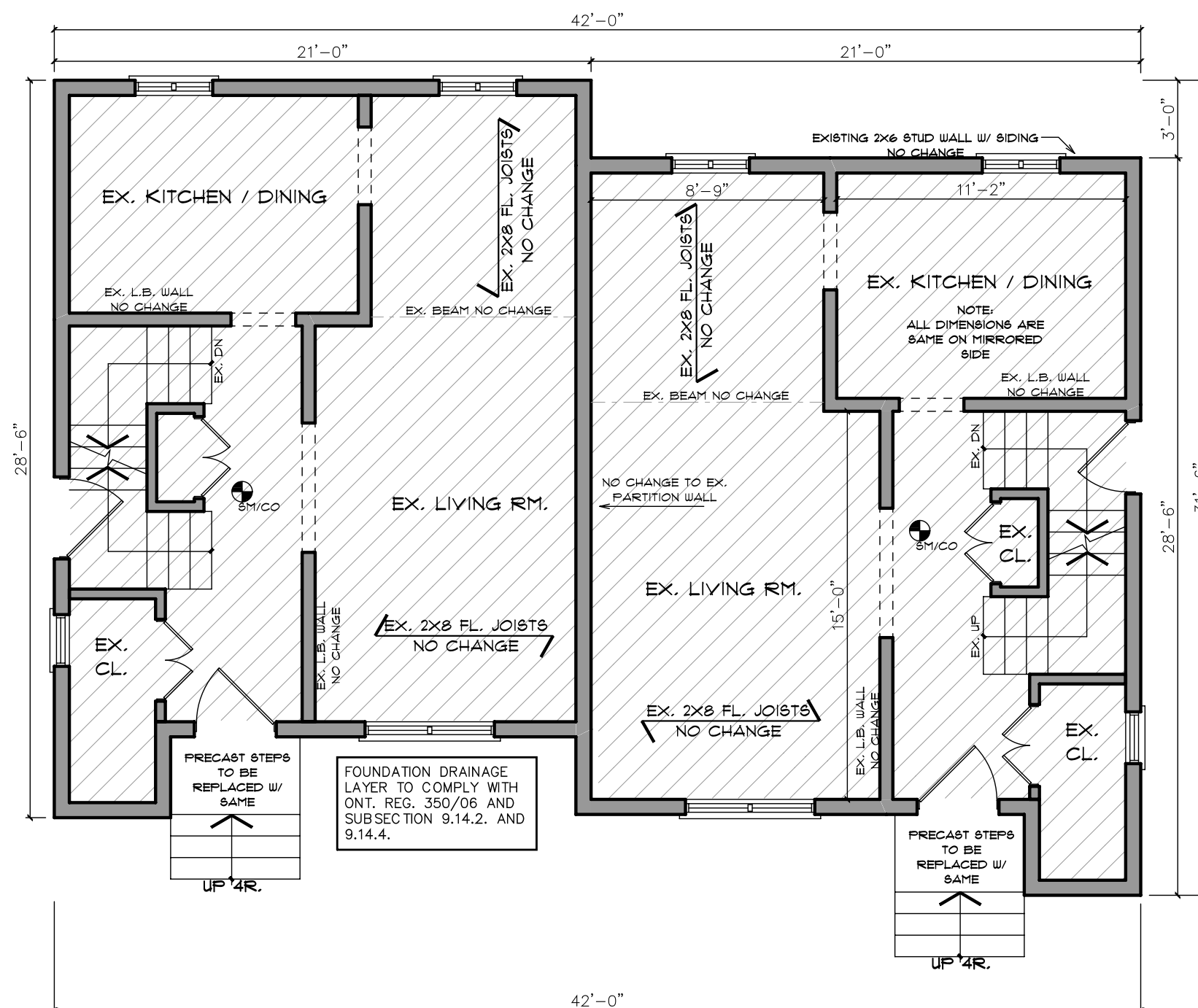


# Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

MM/DD/YY



EXISTING MAIN FLOOR PLAN

## DO NOT SCALE DRAWINGS

### NOTE:

- 1) Contractor to check all dimensions, specifications, ect. on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
- 2) All works to be in accordance with the ONTARIO BUILDING CODE.

## DRAWING LEGEND



EXISTING AREA  
NO CHANGES  
PROPOSED



RE-USE EX  
SMOKE & C.O.



NEW 12" CONCRETE FOUNDATION  
WALL. SEE DETAILS



EXISTING WALL ASSEMBLY, NO  
CHANGES PROPOSED  
KNOWN LOAD BEARING WALLS  
INDICATED ON DRAWING

# NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.	
JOHN BARNHART	41773
REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.	
THE BUILDING PERMIT GUY	103362
FIRM NAME	BCIN

A-3

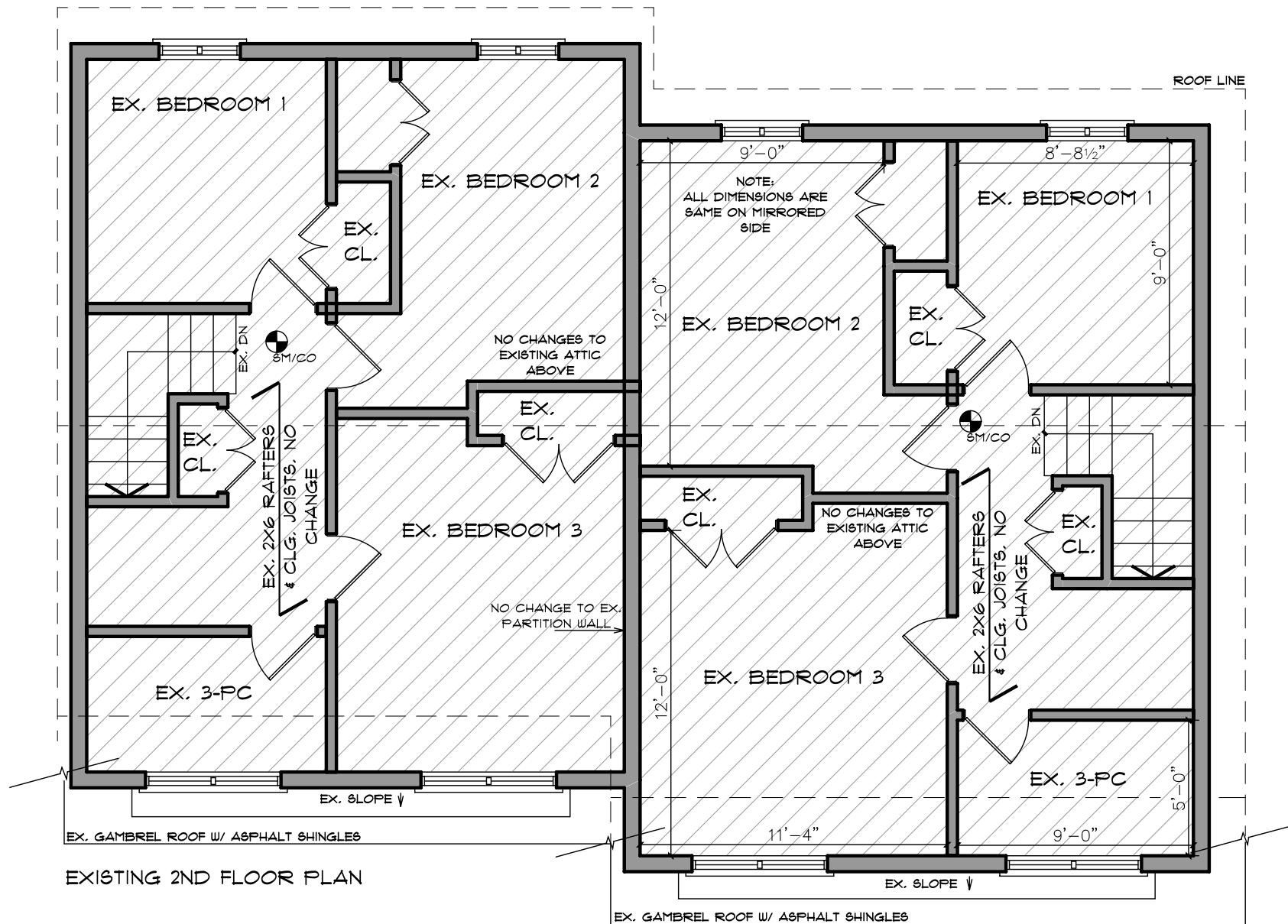


SCALE: 3/16" = 1'-0"

# Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20  
MM/DD/YY



EXISTING 2ND FLOOR PLAN

## DO NOT SCALE DRAWINGS

### NOTE:

- 1) Contractor to check all dimensions, specifications, ect. on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
- 2) All works to be in accordance with the ONTARIO BUILDING CODE.

## DRAWING LEGEND

EXISTING AREA  
NO CHANGES  
PROPOSED



RE-USE EX  
SMOKE & C.O.

NEW 12" CONCRETE FOUNDATION  
WALL. SEE DETAILS

EXISTING WALL ASSEMBLY, NO  
CHANGES PROPOSED  
KNOWN LOAD BEARING WALLS  
INDICATED ON DRAWING

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.

JOHN BARNHART 41773

REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.

THE BUILDING PERMIT GUY 103362

FIRM NAME BCIN

A-4



SCALE: 3/16" = 1'-0"

## NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

653 Haldimand Rd 17, Dunnville, ON N1A 2W4

PH 289.308.6442

Info@TheBuildingPermitGuy.ca

Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

MM/DDYY

T/O ROOF  
NO CHANGE

EX. DWELLING NO CHANGES PROPOSED

T/O FND.  
24" +/-  
MATCH EX.

GRADE 0'-0"

T/O SLAB  
-6'-0"

FRONT ELEVATION

NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.	
JOHN BARNHART	41773
REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.	
THE BUILDING PERMIT GUY	103362
FIRM NAME	BCIN

A-5

SCALE: 3/16" = 1'-0"

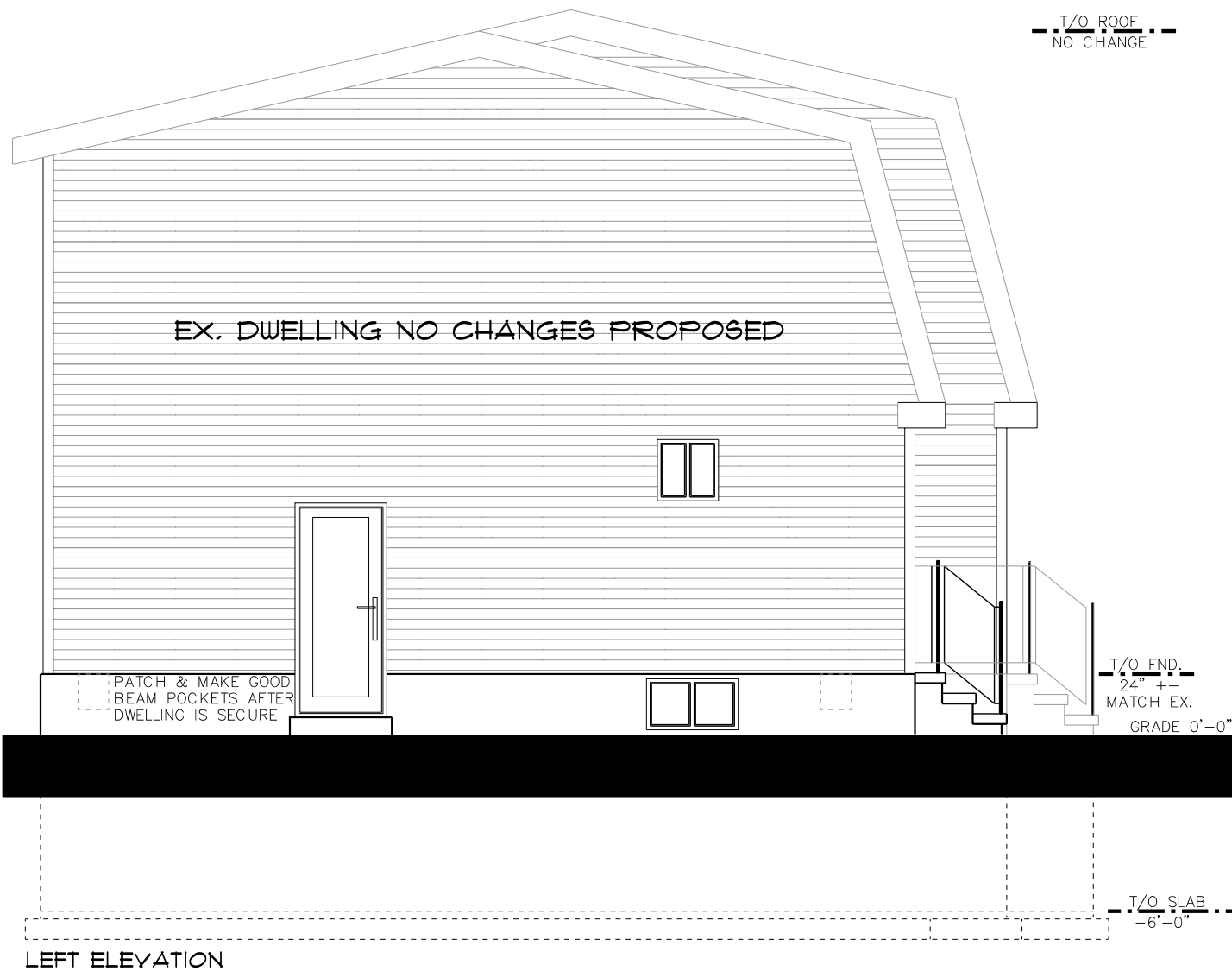


Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

MM/DDYY



NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.	
JOHN BARNHART	41773
REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.	
THE BUILDING PERMIT GUY	103362
FIRM NAME	BCIN

A-6

SCALE: 3/16" = 1'-0"

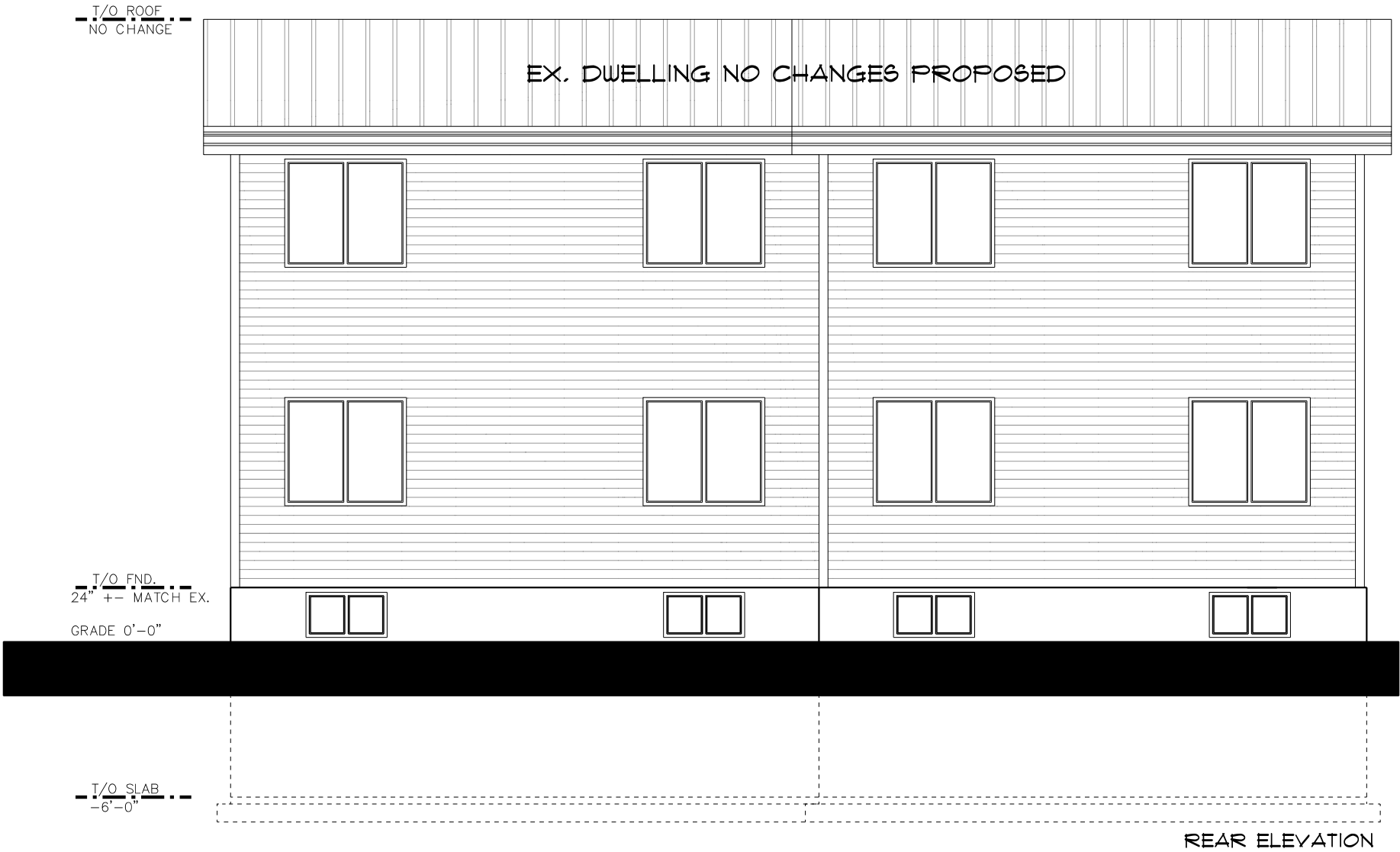


Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

MM/DDYY



REAR ELEVATION

# NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.

JOHN BARNHART 41773

REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.

THE BUILDING PERMIT GUY 103362

FIRM NAME BCIN

A-1



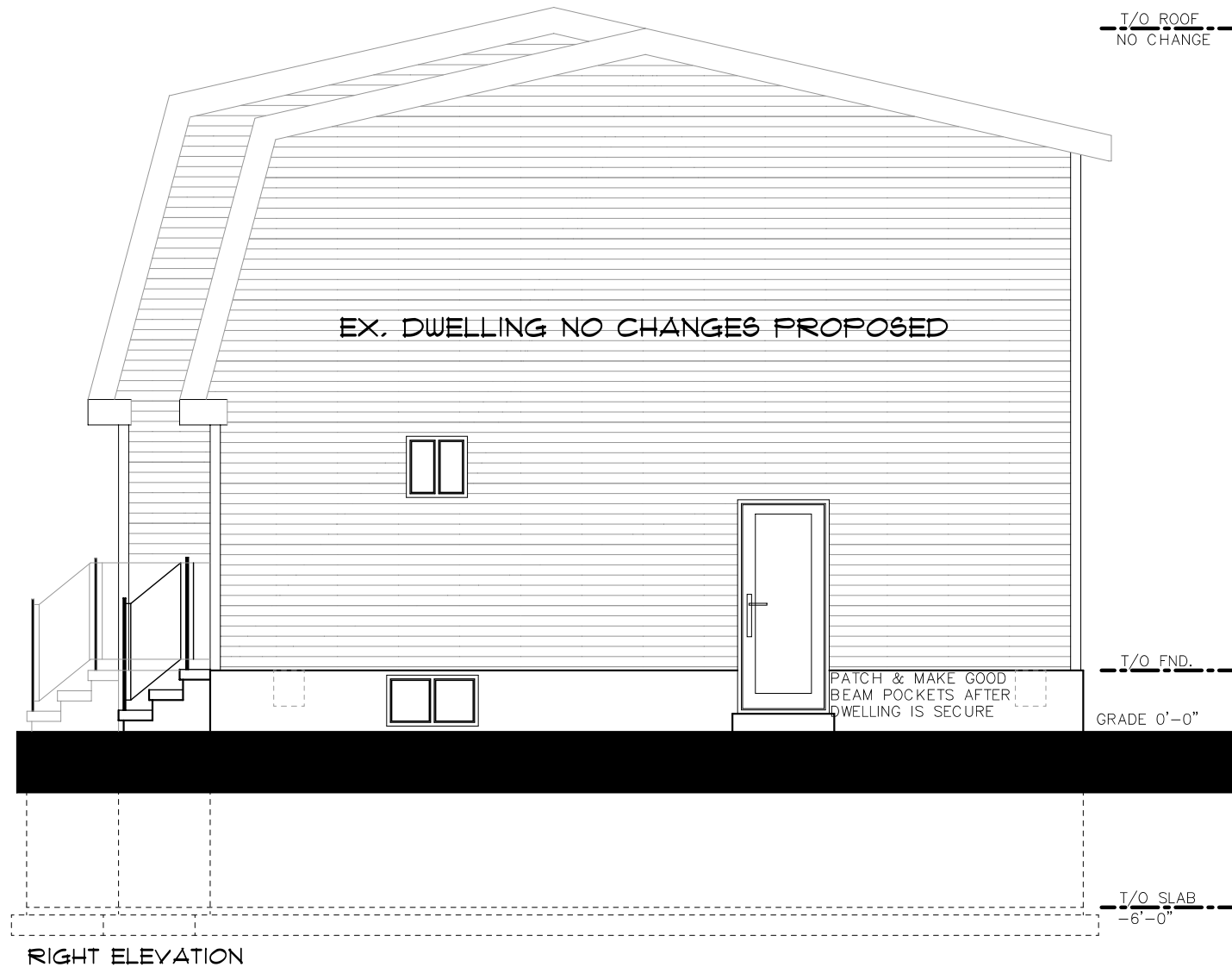
SCALE: 3/16" = 1'-0"

Appendix B

File: 20.130850.000.00.MNV

Date: 11/26/20

MM/DDYY



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.		
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.		
JOHN BARNHART		41773
REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.		
THE BUILDING PERMIT GUY	103362	
FIRM NAME	BCIN	

A-8



SCALE: 3/16" = 1'-0"

NEW FOUNDATION FOR EX. DWELLING

PART OF LOTS 22 & 23 CONCESSION 4. MARKHAM, ON.

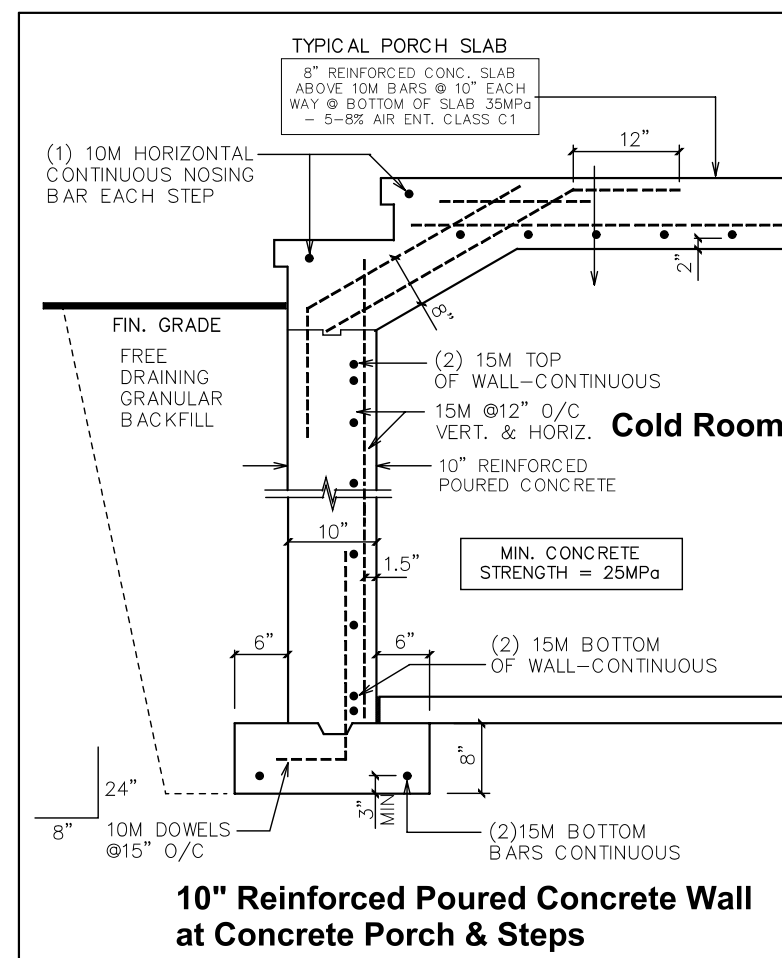
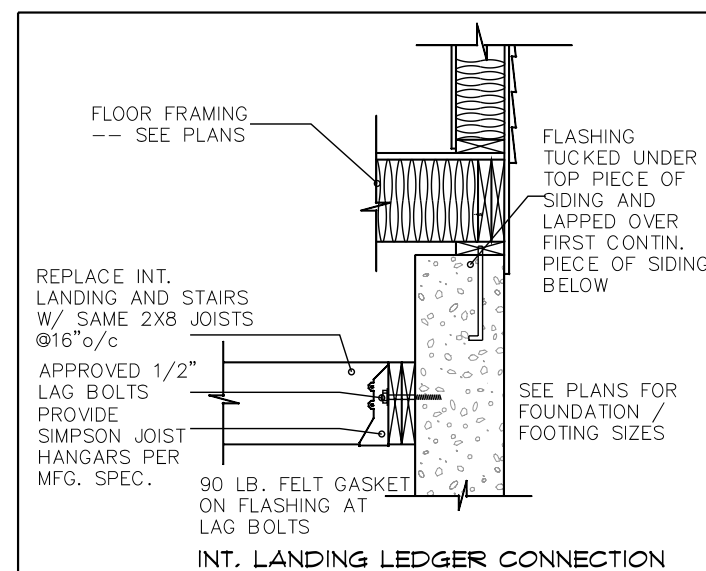
653 Haldimand Rd 17, Dunnville, ON N1A 2W4


PH 289.308.6442

Info@TheBuildingPermitGuy.ca



File: 20.130850.000.00.MNV  
Date: 11/26/20  
MM/DD/YY



<p>THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.</p> <p>QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE</p> <p>JOHN BARNHART  41773</p>	
<p>REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE</p> <p>THE BUILDING PERMIT GUY 10356</p> <p>FIRM NAME, INC. BCIN</p>	

PART OF LOTS 22 &amp; 23 CONCESSION 4. MARKHAM, ON.

SC ALE:  $3/16'' = 1'-0''$

Info@TheBuildingPermitGuy.ca

A-9





November 12, 2020

CFN 62567.09  
X Ref: 60916

**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/110/20 (Minor Variance Application)**  
**10162 Warden Ave., City of Markham**  
**Owner: Wageman Nominee Ltd. (Charlotte Schickedanz)**

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

**Purpose of the Applications**

The applicant is requesting relief from the requirements of City of Markham By-law 304-87, 28-97, as amended, as it relates to a proposed semi-detached dwelling, driveway, and septic system.

Requested variances to the Zoning By Law:

- a) By-law 304-87, Section 6.1:  
a semi-detached dwelling, whereas the By-law permits only one single detached dwelling.
- b) By-law 28-97, Section 6.2.4.3 b)i)b):  
a driveway width of 12.33 metres, whereas the By-law permits a maximum parking pad width of 6.1 metres.

It is TRCA staff's understanding that the subject application is required to relocate an existing home currently located at 10348 Warden Avenue to its new location at 10162 Warden Avenue, Markham.

**Applicable TRCA Regulations and Policies**

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*, the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2020); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended

(Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

**Provincial Policy Statement (2020):**

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

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

**Ontario Regulation 166/06, as amended:**

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

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

- 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 (PSWs) and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas

### **Application Specific Comments**

TRCA staff was involved in the review of the Draft Plan of Subdivision and Zoning Bylaw Amendment for 10348 Warden Avenue (ZA/SU 18 235516) and note that the proposed relocation of the dwelling is consistent with our subdivision review.

Based on our review of available mapping and the proposed location of the semi-detached dwelling located at 10162 Warden Avenue, TRCA staff note that the proposed development is sufficiently set back from natural features and hazards on the subject property. It is TRCA staff’s understanding that the relocation of the existing structures from the northern parcel located at 10348 Warden Avenue to 10162 Warden Avenue will not impact the natural features on the subject properties.

The proposed development is outside of TRCA’s Regulated Area under Ontario Regulation 166/06. As such, no permit will be required from the TRCA for the proposed dwelling structure, driveway and septic system.

### **Application Review Fee**

As per TRCA’s role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$580 review fee (2018 TRCA Planning Fees Schedule – Variance – Residential – Minor).

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

### **Recommendation**

Based on the information submitted to date, we have no objections to the minor variance application of A/110/20, subject to the following conditions:

1. That the applicant remits the outstanding TRCA Planning Services review fee for this application (\$580) to TRCA.

Any future changes to the proposed work should be screen by TRCA staff to determine if any TRCA permits will be required.

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/lb