

Memorandum to the City of Markham Committee of Adjustment

June 6, 2018

File: A/62/18
Address: 12 Savannah Cres, Markham
Applicant: Mauro & Laura DiLucia
Agent: Mauro DiLucia
Hearing Date: Wednesday June 13, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1229, as amended:

a) Section 10.1:

enlargement or extension of an existing non-conforming structure in an Open Space (O) zone; as it relates to a proposed new roof as well as an addition and new deck at the rear of an existing one-storey dwelling.

BACKGROUND

The 5064.92 m² (54518.34 ft²) subject property is located on the north side of Savannah Crescent, east of Main Street Markham, north of Highway 7. There is currently a one-storey detached 508.45 m² (5473 ft²) dwelling with a deck, detached garage and coach house on the property which, according to assessment records were constructed in 1959. Mature vegetation exists across the front and rear of the property.

The TRCA screening zone and the "Open Space (O)" zone are both located at the rear of the property and occupy almost half of the entire property. The entire rear portion of the existing dwelling (approximately one third of the main dwelling) is located within the TRCA screening zone and "Open Space (O)" zone.

The applicant is proposing a 1-storey rear addition of approximately 3.9 m² and a new deck, both of which will be located within the TRCA screening zone and "Open Space (O)" zone and which are considered to be an enlargement or extension of the existing non-conforming use.

TRCA request for deferral

The TRCA, in their comments dated June 4, 2018 (Appendix A) are not in a position to support the minor variance application and request that the application be deferred until the limits of development and an appropriate buffer area have been delineated.

CONCLUSION

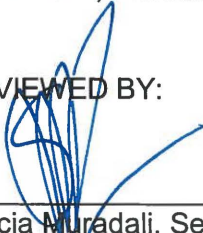
Staff therefore recommend deferring the minor variance application sine die, until the TRCA has provided written confirmation that the limits of development and an appropriate buffer area have been delineated.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

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June 4, 2018

CFN: 59072.09
X CFN: 59017.11

BY E-MAIL ONLY

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

Dear Mr. Leung:

**Re: Minor Variance Application - A/62/18
12 Savannah Crescent, Markham, ON
Mauro DiLucia & Laura DiLucia (Owner's)
Mauro DiLucia (Agent)**

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

PURPOSE OF THE APPLICATION

A/62/18

The applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to a proposed new roof, an addition and new deck at the rear of an existing one-storey dwelling.

Requested Variance(s) to the Zoning By-law:

a) Section 6.1:

Enlargement or extension of an existing non-conforming structure in an Open Space (O) zone.

APPLICABLE TRCA REGULATIONS AND POLICIES

Ontario Regulation 166/06 (as amended):

The subject property is located partially within TRCA's Regulated Area, as it is traversed by a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;

- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading;
- iv. the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

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

APPLICATION SPECIFIC COMMENTS

Ontario Regulation 166/06, as amended:

The subject property is traversed by a valley corridor associated with the Rouge River Watershed. To ensure development is appropriately setback from the limit of natural features and their associated hazards, TRCA typically requires a minimum 10 metre (m) buffer, which is considered part of the valley corridor, be established from the greater of the following constraints:

- The physical top of bank (TOB);
- The Regulatory Floodplain (i.e. greater of the Regional Storm or 100 Year Flood event standards);
- The limit of the Long Term Stable Top of Slope (LTSTOS); or,
- The limit of contiguous vegetation associated with the valley corridor.

TRCA staff are concerned that the proposed works may be within the erosion hazard limit. Development within the erosion hazard would represent an increased risk to life and property which TRCA cannot support. Through the submission of additional materials, the following must be demonstrated to TRCA staff's satisfaction:

- Development has to have regard for existing setbacks on site and within the context of existing development patterns within the valley corridor reach;
- Development will not increase the risk to life and/or property (typically demonstrated through technical reports such as geotechnical investigations to delineate LTSTOB);
- No impacts to flooding, erosion, dynamic beaches, pollution, or the conservation of land are anticipated (generally demonstrated through further technical studies/reports);
- A restoration planting plan consisting of native, non-invasive species to improve slope stability and/or ecological functions is provided.

Please be advised, TRCA staff recently reviewed a Concept Development Application (CFN 59017.11) submitted by the applicant for a similar development proposal. Staff provided a correspondence letter to the applicant, which outlined how the proposed development is affected by our regulation and included detailed recommendations on how to address our geotechnical and ecology related concerns. To date, the applicant has not yet addressed these comments.

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$830.00 review fee (2018 TRCA Planning Fees Schedule – Variance –Standard). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

Based on the above, TRCA staff cannot support the above noted application as currently submitted and request that it be **deferred** until the limits of development and an appropriate buffer area have been delineated.

Please be advised, our requisite TRCA Planning Services review fee of \$830.00 is now outstanding and must be remitted within 60 days of this letter.

Please note, the approval of this Minor Variance application does not bind TRCA under the *Conservation Authorities Act* to approve the proposed works identified on the drawings/plans submitted with this application.

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

Sincerely,



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AP/as