

Memorandum to the City of Markham Committee of Adjustment

June 18th, 2019

File: B/01/19
Address: 68 Sprucewood Dr, Thornhill
Applicant: Li Yiqiu
Agent: TAES Architects Inc. (Shenshu Zhang)
Hearing Date: Wednesday June 26th, 2019

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

B/01/19

The applicant is requesting provisional consent to:

- a) retain a parcel of land with approximate lot frontage of 15.24 m and approximate lot area of 929.03 sq. m (Part 1); and
- b) sever and convey a parcel of land with approximate lot frontage of 15.24 m and approximate lot area of 929.03 sq. m (Part 2).

The purpose of this application is to create a new residential lot.

BACKGROUND

Property Description

The 1,858.06 m² (19,999.99 ft²) subject property is located on the west side of Sprucewood Drive, North of Clark Avenue and east of Johnson Street. Sprucewood Drive is a 13 lot residential street with a mix one and two-storey detached dwellings. To the south of the subject property is CN rail.

Proposal

The applicant proposes to sever the existing residential lot into two (2) parcels. The retained parcel (Part 1) will have a lot area of 9,999.99 ft² (929.03 m²) and a lot frontage of 15.24 m (50 ft). The conveyed parcel (Part 2) will have a lot area of 9,999.99 ft² (929.03 m²) and a lot frontage of 15.24 m (50 ft). The lot frontages and lot areas for both the retained (Part 1) and conveyed (Part 2) parcels comply with the By-law requirement for minimum lot frontage of 50 ft (15.24 m) and minimum lot area of 6,250 ft² (580.64 m²). The applicant has provided conceptual plans, to demonstrate that two new lots could be built in compliance with the applicable by-law. The plans could change, and may not be constructed as shown on the proposed new parcels of land if the severance is approved. The applicant has not applied for any minor variances on the proposed lots.

Official Plan and Zoning

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan. Specifically the section requires that:

- Proposed new lot(s) have lot area(s) and lot frontage(s) consistent with the size of existing lots on both sides of the street;
- That proposed new building(s) have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street; and

- 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.

Zoning By-Law 2237

The property is zoned "R4" – Single Detached Residential by By-law 2237, as amended. Both conveyed and retained lots comply with the minimum lot area and lot frontage requirement.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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.

Proposed Severances

The applicant is proposing to sever the existing parcel into two parcels. The retained parcel (Part 1) will have a lot area of 9,999.99 ft² (929.03 m²) and a lot frontage of 15.24 m (50 ft). The conveyed parcel (Part 2) will have a lot area of 9,999.99 ft² (929.03 m²) and a lot frontage of 15.24 m (50 ft). According to the plans submitted with this application, the proposed retained and conveyed lots provide for the minimum lot frontage requirement of 50ft (15.24 m) and minimum lot area of 6,250 ft² (580.64 m²). The proposed lots will be generally consistent with the existing lotting pattern along Sprucewood Drive. With the exception of one lot with a frontage of 37.5 ft (11.43 m) and one lot with a frontage of 128.67 ft (39.22 m), majority of the homes along Sprucewood Avenue range in frontages between 52.23 ft (15.92 m) and 60.00 ft (18.3 m).

Engineering Comments

The City's Engineering Department advises that both the retained and conveyed parcels must be provided with its own individual water and sewer services, if the proposed severance is approved. In conjunction with the building permit applications for each individual lot, the Owner will be required to submit a separate site servicing plan for review and approval by the City. At such time, the Owner will also be required to submit an application for the installation and decommissioning of service connections. The connections will be installed by the City at the Owner's expense to be secured through a Development Agreement.

Urban Design Comments

Subject to the review and approval of the tree assessment and preservation plan, tree placement and/or compensation are to be provided to the City, to the satisfaction of the Director of Planning and Urban Design or designate prior to site work, if the proposed severance is approved. All the trees proposed to be retained must be protected by tree protection fencing in accordance with the requirements outlined in the City's Streetscape Manual (2009), as amended. In addition, the applicant will be required to satisfy Parkland Dedication through a contribution in the form of cash-in-lieu, calculated based on an acceptable land appraisal. All the above requirements will also be secured through a Development Agreement which is a condition of approval should the severance be approved.

EXTERNAL AGENCIES

CN Rail provided comments on this application on January 22nd, 2019 (Appendix C), requiring mitigation measures be implemented to attenuate the impact generated by the railway located

south of the property. Staff recommend that the development agreement include provisions to satisfy CN Rail's requirements prior to the issuance of a building permit.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 18th, 2019. 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 proposal within the context of the criteria in Sections 51 (24) of the Planning Act R.S.O. 1990, c. P.13, as amended. Staff recommend that the proposed severance (B/01/19) be approved subject to the conditions in Appendix 'A'. The onus is ultimately on the applicant to demonstrate why the proposed severance should be granted.

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

PREPARED BY:



Aqsa Malik, Planner

REVIEWED BY:



David Miller, Development Manager
File Path: Amanda\File\19 110393\Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/01/19

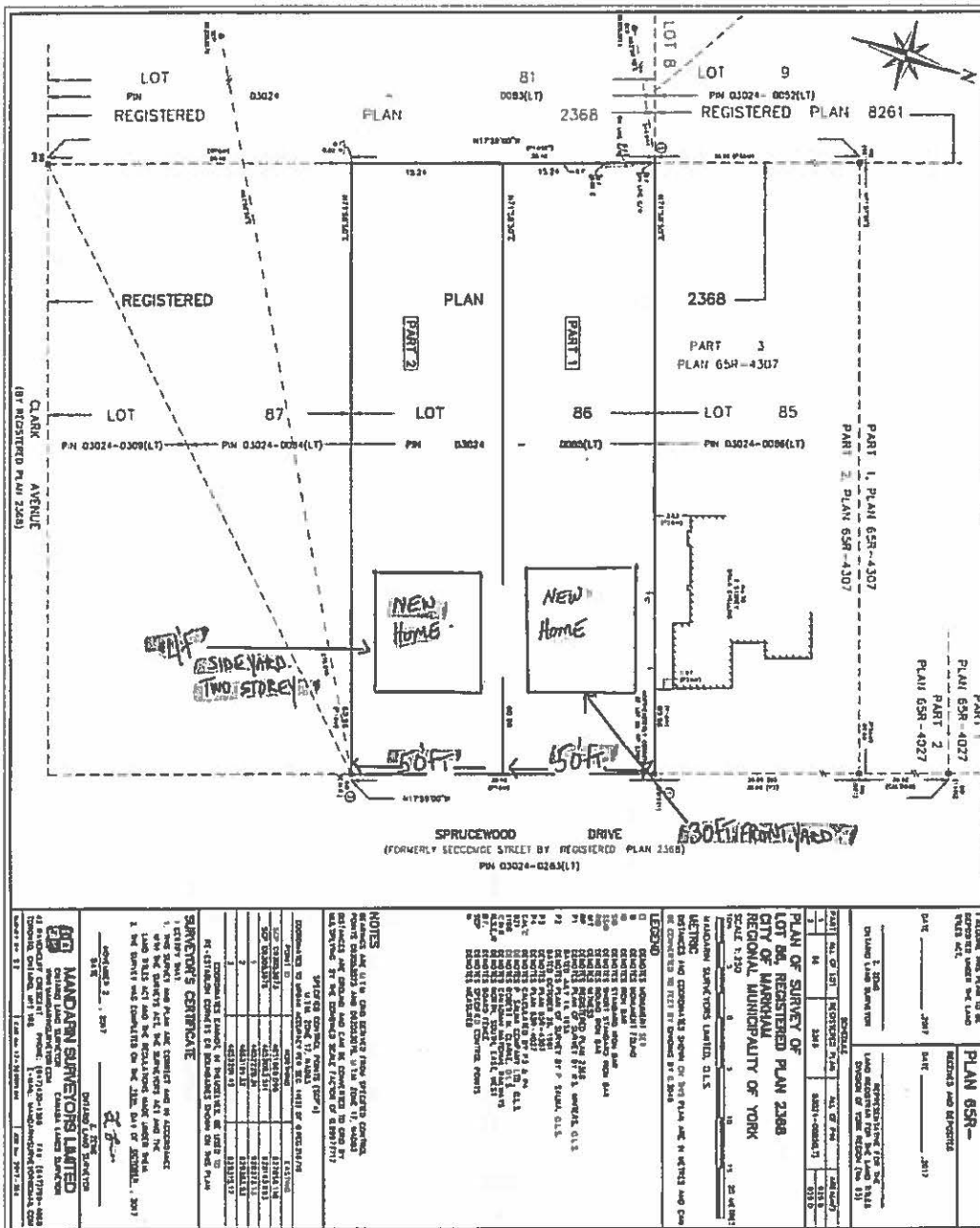
1. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director 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;
2. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
3. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/01/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
4. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
5. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 2 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 2237, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
6. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;
7. The Owner will be required to submit a site servicing and grading plan for review and acceptance by the City upon making an application for a building permit;
8. Upon making an application for a building permit, the Owner must make satisfactory arrangements with the City's Engineering Department - Municipal Inspections for the installation of the proposed sanitary and watermain service connections to service the newly created lot and disconnect any unused service connections;
9. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:

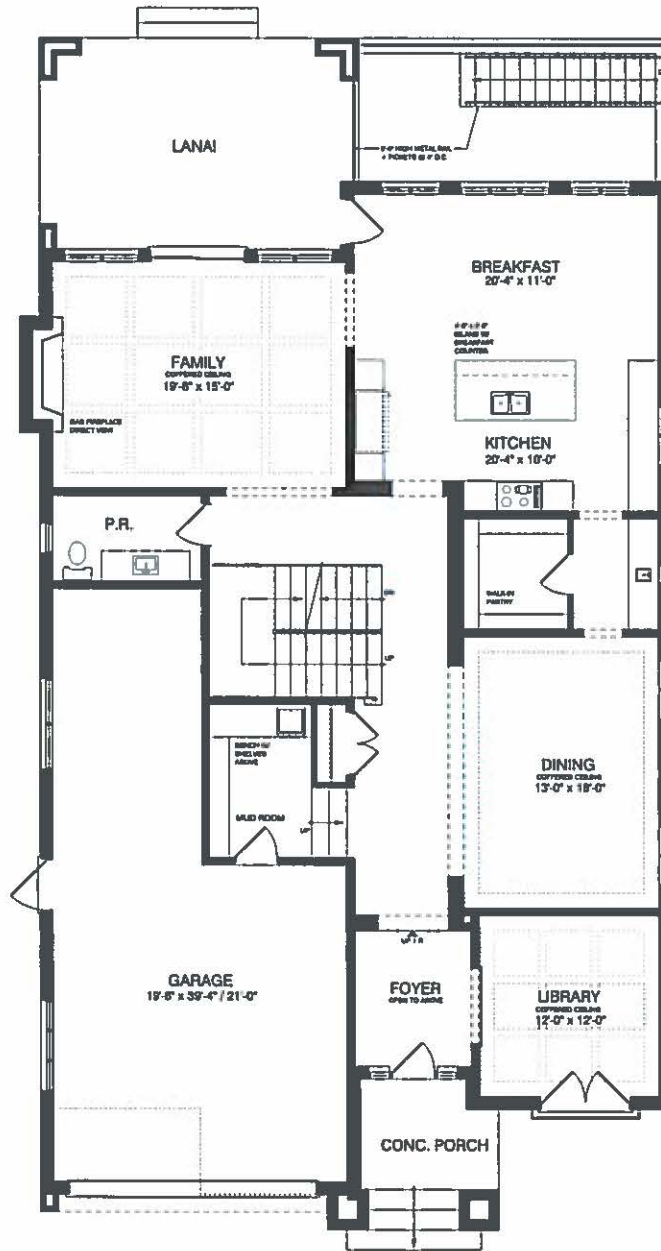
- i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iii) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iv) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - v) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
 - vi) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
 - vii) That any building or structure on Part 2, be at least 30 m from the CN Rail right-of-way;
 - viii) That a qualified professional confirm that the dwellings are designed to meet Ontario NPC 300 guidelines; and
 - ix) That a qualified professional confirm that the dwellings meet and comply with Ontario NPC 300 guidelines.
10. Confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance;
11. Provide confirmation that any and all existing services for the Retained Lot do not traverse the severed lot
12. Provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot;
13. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate; and
14. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



 Aqsa Malik, Planner I, East District





FIRST FLOOR PLAN
FLOOR AREA - 1950 SQ. FT. (INCL. OPEN AREA)

TWO-STOREY
MODEL
'MAPLE GROVE ESTATE'



FOR
ANIX
DEVELOPMENTS
42 & 44 MAPLE GROVE AVE
RICHMOND HILL, ON.

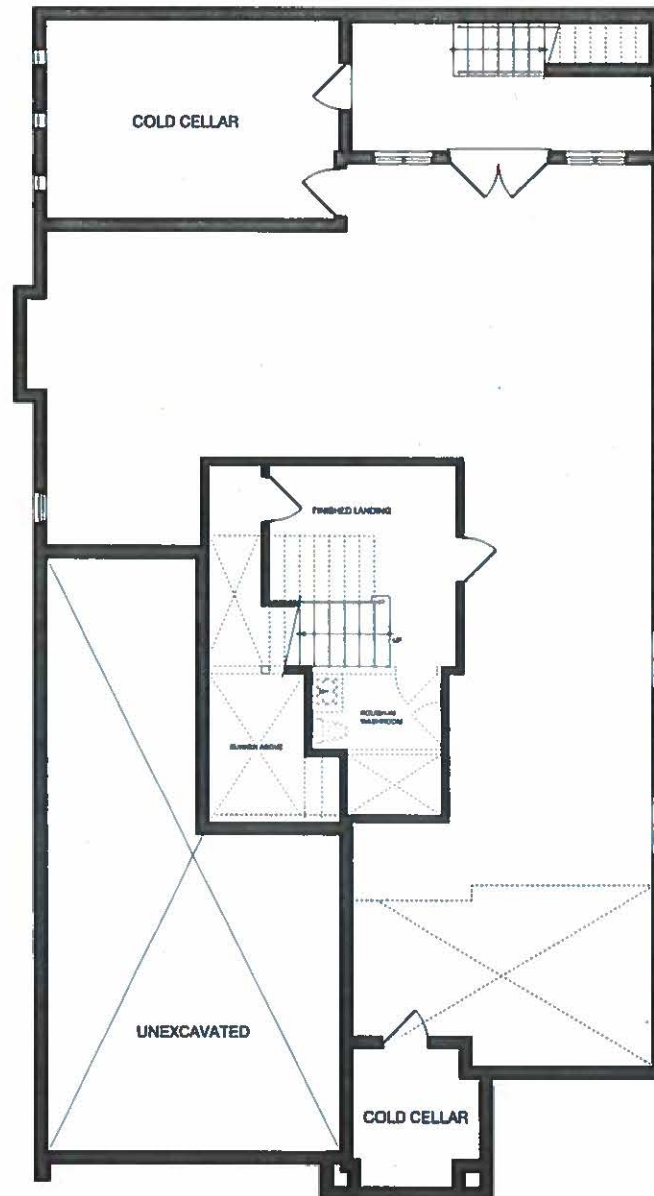
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BASEMENT PLAN

**TWO-STOREY
MODEL
'MAPLE GROVE ESTATE'**

**FOR
ANIX
DEVELOPMENTS
42 & 44 MAPLE GROVE AVE
RICHMOND HILL, ON.**



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FRONT ELEVATION 'ALICIA'

**TWO-STORY
MODEL
'MAPLE GROVE ESTATE'**

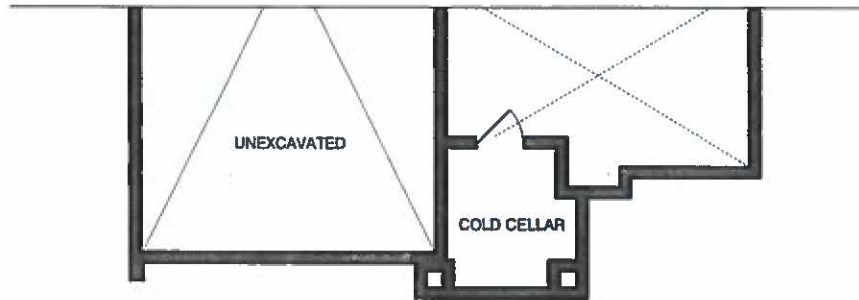
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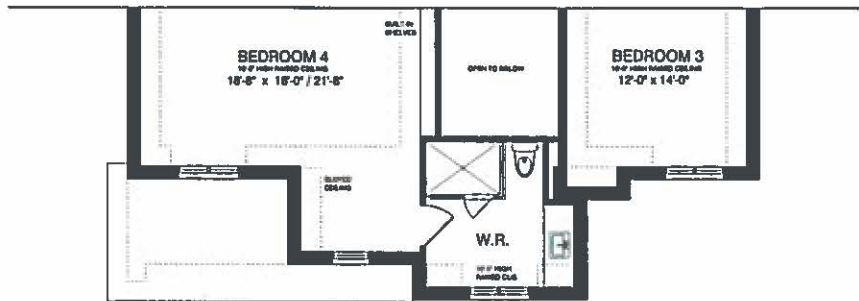
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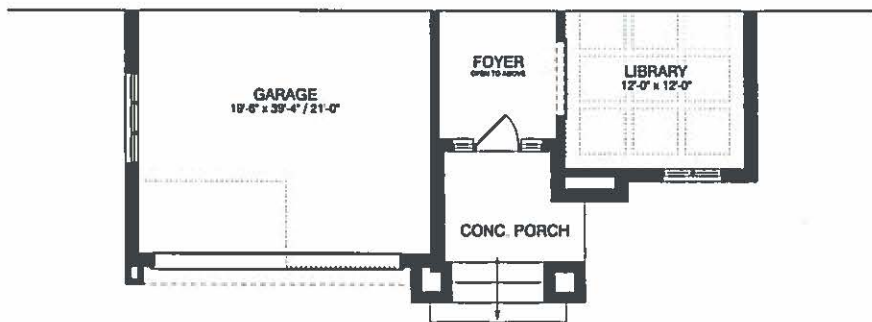
PARTIAL BASEMENT PLAN FOR ELEV. 'OLIVIA'

NOTE - PARTIAL PLANS TO BE READ IN CONJUNCTION W/COMPLETE PLANS



PARTIAL SECOND FLOOR PLAN FOR ELEV. 'OLIVIA'

NOTE - PARTIAL PLANS TO BE READ IN CONJUNCTION W/COMPLETE PLANS



PARTIAL FIRST FLOOR PLAN FOR ELEV. 'OLIVIA'

NOTE - PARTIAL PLANS TO BE READ IN CONJUNCTION W/COMPLETE PLANS

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From: Proximity
To: Leung, Melissa
Subject: RE: B/01/19 - 68 Sprucewood Drive - Consent - REVISED COMMENTS FROM CN RAIL
Date: Tuesday, January 22, 2019 4:49:36 PM
Attachments: [image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)

Good afternoon Melissa,

I would like to revise the comments I previously sent on this application. I have made an error when reviewing the address.

CN's standard setback for residential units from the right-of-way is 30 meters. The separation from the property line to the ROW is approximately 24 meters. We would then request that the building have an additional 6 meter setback for safety reasons. CN would request to be circulated on the site plan when it is available to confirm the setback from the rail ROW.

CN normally requires a noise and vibration study for properties this close to the ROW, however there is some flexibility with such a small project. We would request that the City require sufficient building materials and windows to create a living environment that meets the Ontario NPC-300 Guidelines. We would also ask that the architect/building designer is required to design the structures in recognition of the vibrations from the passing rail traffic. This may include foundation and structural elements.

Given the residential nature of the neighbourhood, CN does not object to the consent. However, we do expect appropriate setbacks and design elements to protect the future residents from undue noise and vibrations.

Please let me know if you have any questions.

Regards

Susanne

Susanne Glenn-Rigny, MCIP, RPP, OUQ
 Agente principale/Senior Officer
 Planification et développement communautaires/
 Community Planning and Development
☐ Affaires juridiques/Law Department
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 Télécopieur: (514) 399-4296
 Cell (514) 919-7844
 Email: susanne.glenn-rigny@cn.ca

Precision Railroading: Doing it well and always improving

From: Leung, Melissa <MelissaLeung@markham.ca>

Sent: Monday, January 21, 2019 9:45 AM

To: Miller, David <dmiller@markham.ca>; Malik, Aqsa <AMalik@markham.ca>; Larbi, Michael <mlarbi@markham.ca>; Wimmer, Elizabeth <ewimmer@markham.ca>

Cc: Lee, John <JohnLee@markham.ca>; Kowaleski, Rachael <RKowaleski@markham.ca>; Wong, Patrick <PatrickWong@markham.ca>; Duoba, Lilli <lduoba@markham.ca>; Development Services <developmentservices@york.ca>; Engineering Admin <engineeringadmin@powerstream.ca>; rowcentre@bell.ca; Development.Coordinator@Metrolinx.com; Proximity <proximity@cn.ca>; Leung, Justin <JLeung@markham.ca>; Bond, Wendy <wbond@markham.ca>; Roberts, Bradley <BRoberts@markham.ca>; Building Special Investigations <BuildingSpecialInvestigations@markham.ca>

Subject: B/01/19 - 68 Sprucewood Drive - Consent

Good Morning,

Please review the attached plans and supporting documents for 68 Sprucewood Drive (B/01/19) Consent application.

Thank you,

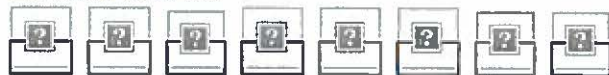
Melissa Leung, BES

Committee of Adjustment Technician

Planning & Urban Design, Development Services Commission
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