

Memorandum to the City of Markham Committee of Adjustment

January 15, 2020

File: B/27/19
Address: 28 Aileen Road Thornhill
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday, January 22, 2020

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

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot area of 697.3 m² (7,505.67 ft²) and frontage of 15.93 m (52.26 ft) (Part 1); and,
- b) retain a lot with approximate lot area of 697.3 m² (7,505.67 ft²) and lot frontage of 15.93 m (52.26 ft) (Part 2) (see Appendix 'B').

Two previous approvals for consent approved by the Committee of Adjustment on April 05, 2017 (see Appendix 'C') and September 12, 2018 (See Appendix 'D') have lapsed. The purpose of this application is to facilitate the development of two single detached dwellings on the retained and severed parcels.

The proposed severed and retained lots are subject to the development standards of the R8 'Eight Density – Single Family Residential' zone in By-law 151-75, as amended. The Zoning Department originally reviewed the application in 2017 for lot frontage and area requirements, and had no objection. Staff's previous comments under files B/29/16 and B/09/18 remain applicable (See Appendix 'E').

PUBLIC INPUT SUMMARY

No written submissions were received as of January 15, 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 proposal within the context of the criteria in Sections 51 (24) and 45 (1) of the *Planning Act* and the Residential Infill Development Criteria in the City's Official Plan, and have no objection to the proposed severance. Staff recommend that the Committee consider public input in reaching a decision.

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

PREPARED BY:


Hailey Miller, Planner I, West District

REVIEWED BY:


David Miller, Development Manager, West District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/27/19

1. 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.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/27/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. 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.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. 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 the Director of Planning and Urban Design or designate 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.
6. 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 Director of Planning and Urban Design or their designate.
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
8. 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 1 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 195-90, 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.
9. Respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, 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

10. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
11. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
12. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
13. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
14. 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:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;
 - c) 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;
 - d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
 - f) 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.

15. 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.
16. 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:



Hailey Miller, Planner I, West District



65M-2108

PLAN 18

LOT 18

PIN 03012 - 0052

REGISTERED

LOT 21

PIN 03012 - 0071

McKELVEY DRIVE

PART 1
PLAN 65R-4412

2382

PIN

03012-0075

PART 1

PLAN 64R-7228

PART 1

0074(LT)

PART 2

PIN

03012 - 0073

PART 2
PLAN 64R-8336PART 1
PLAN 64R-8336
PART 1
PLAN 65R-4413

WOODHOUSE DRIVE

BLOCK 11
(RESERVE) PLAN 65R-4412
RP M-1906

PART 3

No.28
1 STOREY
BRICK DWELLINGBRICK
GARAGE

SPECIFIED CONTROL POINTS (SCP's)		
U.T.M. ZONE 17, NAD83		
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG.216/10		
POINT ID	NORTHING	EASTING
SCP 092901557	4853197.460	629624.246
SCP 092903223	4853469.085	629560.777
1	4853364.49	629567.52
2	4853340.85	629535.44

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLANNORTHEASTLY CORNER
LOT 11, R.P. 2382

ROAD

AILEEN

(BY REGISTERED PLAN 2382)
PIN 03013 - 0636I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.DATE August 4, 2017Z. ZENG
ONTARIO LAND SURVEYOR

PLAN 65R-37329

RECEIVED AND DEPOSITED

DATE August 30, 2017REPRESENTATIVE FOR THE
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF YORK REGION (No. 65)

SCHEDULE

PART	PART OF LOT	REGISTERED PLAN	ALL OF PIN	AREA(m ²)
1	11	2382	03012-0074(LT)	697.3
2				697.3

PLAN OF SURVEY OF
PART OF LOT 11, REGISTERED PLAN 2382
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:250

10m 5 0 5 10 15 20 METRES

MANDARIN SURVEYORS LIMITED, O.L.S.

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- CC DENOTES CUT CROSS
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- WIT DENOTES WITNESS
- RP DENOTES REGISTERED PLAN 2382
- RP1 DENOTES REGISTERED PLAN 65M-2108
- P1 DENOTES PLAN OF SURVEY BY W.S.GIBSON & SONS, O.L.S.
DATED AUGUST 16, 1965
- P2 DENOTES PLAN 64R-8336
- P3 DENOTES PLAN 64R-7228
- CAL'C DENOTES CALCULATED BY RP1 & P2
- 810 DENOTES JOHN MCSKIMMING, O.L.S.
- 922 DENOTES SCHAEFFER & REINTHALER LTD., O.L.S.
- 1209 DENOTES L.C. MILLESSE, O.L.S.
- UME DENOTES UNWIN, MURPHY & ESTEN LTD., O.L.S.
- N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- SCP DENOTES SPECIFIED CONTROL POINTS
- M DENOTES MEASURED

NOTES

BEARINGS ARE U.T.M. GRID DERIVED FROM SPECIFIED CONTROL
POINTS 092901557 AND 092903223, U.T.M. ZONE 17, NAD83
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99977838

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 4th DAY OF AUGUST, 2017

AUGUST 4, 2017
DATE
Z. ZENG
ONTARIO LAND SURVEYORMANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR

WWW.MANDARINSURVEYOR.COM

42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4068
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z.

CAD No: 15-196RPLAN

JOB No: 2015-196



April 07, 2017

APPENDIX C

Gregory Design Group (Russ Gregory)
18 Paradise Road,
Markham, Ontario, L3P 3B9

Dear Sir/Madam,

RE: *Shiying Tan*
28 Aileen Road, Thornhill
PLAN 2382 PT LOT 11
B/29/16

Attached please find a copy of the Committee of Adjustment resolution regarding the above, from the meeting of Wednesday, April 05, 2017.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Rosanna Punit'.

Rosanna Punit, B.A. (Hons) —
Secretary-Treasurer
Committee of Adjustment

Attachments

cc David Miller, West District
Greg Nelson, Zoning and Compliance
Daniel Brutto
Building Inspection
Shiying Tan


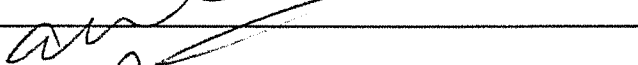
File copy



Committee of Adjustment Resolution

File Number: B/29/16
Hearing Date: Wednesday April 05, 2017
Owner(s): Shiyong Tan
Agent: Gregory Design Group (Russ Gregory) D+R Design Group Inc. (Daniel Wong)
Property Address: 28 Aileen Rd
Legal Description: PLAN 2382 PT LOT 11
Official Plan: Urban Residential
Ward: 1

Last Date of Appeal: Thursday April 27, 2017

Moved by Michael 
Seconded by Arun 

<input checked="" type="checkbox"/>	Arun Prasad	
<input checked="" type="checkbox"/>	Michael Visconti	
<input checked="" type="checkbox"/> N/A	Gary Muller	Chair
<input checked="" type="checkbox"/>	Jeannie Reingold	
<input checked="" type="checkbox"/>	Tom Gutfreund	
<input checked="" type="checkbox"/>	Gregory Knight	Absent

THAT Application No. B/29/16, submitted by Shiyong Tan owner(s) of 28 Aileen Rd , PLAN 2382 PT LOT 11, requesting provisional consent to:

sever and convey 5.925m while retaining a lot with an approximate area of 697.3 m2 and lot frontage of 15.925m. The purpose of this application is to create two residential development lots.

This application is related to application ZA 16 162571, as the applicant is seeking to remove the Hold Provision to allow for severance.

The consent request be **approved** subject to the following conditions:

1. 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;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/29/16, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;

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28 Aileen Road
Page 2

3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted;
4. Payment of the required Conveyance Fee for the creation of a residential lot per City of Markham Fee By-law 211-83, as amended;
5. 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 the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
6. 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 Director of Planning and Urban Design or their designate;
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
8. 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 1 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 195-90. 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 of designate;
9. respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, 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;
10. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;

Application B/29/16
28 Aileen Road
Page 3

11. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
12. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
13. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
14. 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:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for, such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;
 - c) 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;
 - d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
 - f) 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.

Application B/29/16

28 Aileen Road

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15. Committee imposed condition: That the applicant demonstrate a "paired driveway configuration" for the severed portion to save more trees on the abutting property.

16. Fulfillment of conditions #1-15 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.

The Committee, in making its decision on this matter, took into consideration the oral and written comments submitted on the application. The Committee was satisfied with the consent request and the added condition to preserve more trees (Condition #15).

Resolution Carried

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled.

APPENDIX D



September 13, 2018

Gregory Design Group (Russ Gregory)
18 Paradise Road,
Markham, Ontario, L3P 3B9

Dear Sir/Madam,

RE: *Shiying Tan*
28 Aileen Road, Thornhill
PLAN 2382 PT LOT 11
B/09/18

Attached please find a copy of the Committee of Adjustment resolution regarding the above, from the meeting of Wednesday, September 12, 2018.

Yours truly,

A handwritten signature in dark ink, appearing to read 'John J. ...'.

Secretary-Treasurer
Committee of Adjustment

Attachments

cc David Miller, West District
Greg Nelson, Zoning and Compliance
Aqsa Malik
Building Inspection
Shiying Tan

File copy



COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

I hereby certify that the attached is a true copy of the decision of the Committee of Adjustment in the matter of Application No. B/09/18 which was **approved** at a hearing held on Wednesday, September 12, 2018. A written appeal of this decision must be received **no later than Wednesday, October 3, 2018. After this date the decision becomes final and binding and cannot be appealed.**

Appeals to the Local Planning Appeal Tribunal must be served personally or sent by registered mail to the Secretary Treasurer, Committee of Adjustment, accompanied by a cheque in the amount of **\$300.00**, payable to the **Minister of Finance**, and must give reasons for the appeal. When filing an appeal to the Local Planning Appeal Tribunal, please note there will be an additional City of Markham administration fee of \$224.00, which must be paid at the time of the appeal submission to the Committee of Adjustment. **The reasons for the appeal must be provided, or the Local Planning Appeal Tribunal may not consider the appeal to be valid. Please note that a letter of objection filed prior to the hearing date is not considered an official notice of appeal.**

Only individuals, corporations and public bodies may appeal decisions in respect to variance or consent applications to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Sworn before me at the City of Markham

September 13, 2018
Justin Leung, a Commissioner, etc.,

Province of Ontario, for

The Corporation of the City of Markham.

Expires May 16, 2021.

Secretary Treasurer,
Committee of Adjustment,
City of Markham.

A Commissioner, etc.



Committee of Adjustment Resolution

File Number: B/09/18
Hearing Date: Wednesday September 12, 2018
Owner(s): Shiying Tan
Agent: Gregory Design Group (Russ Gregory)
Property Address: 28 Aileen Rd
Legal Description: PLAN 2382 PT LOT 11
Zoning: By-law 151-75, as amended,
Official Plan: Urban Residential
Ward: 1

Last Date of Appeal: Wednesday, October 3, 2018

Moved by Tom Gutfreund

Seconded by Arun Prasad

Concurrence:

- ☒ Arun Prasad
- ☒ Gary Muller
- ☒ Jeannie Reingold
- ☒ Tom Gutfreund
- ☒ Gregory Knight

THAT Application No. B/09/18, submitted by Shiying Tan owner(s) of 28 Aileen Rd , PLAN 2382 PT LOT 11, requesting provisional consent to: a) sever and convey a parcel of land with approximate lot area of 697.3 sq. m and frontage of 15.93 m (Part 1); b) retain a parcel of land with approximate lot area of 697.3 sq. m and frontage of 15.93 m (Part 2). The purpose of this application is to create a new residential lot.

The consent request be approved subject to the following conditions:

1. 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.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/09/18, in duplicate, conveying the subject lands, and issuance

by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.

3. 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.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. Provide confirmation from Ontario Land Surveyor that severed and retained parcels, in their final configuration, meets all requirements of applicable by-law, including any development standards for building and structure, and that Secretary-Treasurer receive written confirmation that this condition has been satisfied by Zoning Supervisor or their designate.
6. 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.
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;
8. That proposed building elevations/addition be designed and constructed in conformity with requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to City demonstration complains, to satisfaction of the Director of Planning and Urban Design or their designate.
9. 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 1 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 195-90, 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.
10. Respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, 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

11. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
12. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
13. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
14. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
15. 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:
 - a. To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b. Payment of all applicable fees in accordance with the City's fee by-law;
 - c. 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;

- d. Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
- e. Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
- f. 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.

16. 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.

Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting, held under the Planning Act, have been taken into consideration by the Committee of Adjustment in its Decision on this matter.

Resolution Carried

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled.

Memorandum to the City of Markham Committee of Adjustment March 28, 2017

File: B/29/16
Address: 28 Aileen Road, Markham
Applicant: Shiying Tam
Agent: The Gregory Design Group (Russ Gregory)
Hearing Date: April 5, 2017

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

PROPOSAL

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate area of 697.3 m² (7,506 ft²) and lot frontage of 15.92 m (52 ft) (Part 1), while retaining a lot with an approximate area of 697.3 m² (7,506 ft²) and lot frontage of .92 m (52 ft) (Part 2) (see Appendix A – Draft Reference Plan).

The purpose of the application is to create a new residential development lot. The applicant proposes to construct two-storey single detached dwellings on both the retained and conveyed lands (see Appendix B – Siting Plan).

BACKGROUND

Property Description

28 Aileen Road (the “subject property”) is located north of John Street, east of Bayview Avenue. The subject property has an area of approximately 0.13 hectares (0.32 acres) and a frontage of 31.85 metres.

The subject property contains a one-storey single detached dwelling with a detached garage. Mature vegetation is located within the front and rear yards (see Appendix C – Aerial Photo).

The subject lands are located within an established low-rise residential community constructed circa 1990. Abutting the subject property to the north, west and south are two-storey single detached dwellings. On the east side of Aileen Road are two-storey single detached dwellings.

2014 Official Plan as partially approved on October 30, 2015 and May 26, 2016 (2014 Official Plan)

The subject property is designated “Residential Low Rise” in the 2014 Official Plan. The “Residential Low Rise” designation provides for single detached dwellings and was brought into force through the Ontario Municipal Board Order issued on May 26, 2016. The 2014 Official Plan contains development criteria (Section 8.2.3.5) regarding infill development to ensure it respects and reflects the existing pattern and character of adjacent development.

Zoning By-law 151-75

The subject lands are zoned "Eighth Density – Single Family Residential (R8)" by By-law 151-75, as amended, which permits one single family detached dwelling per lot.

COMMENTS/DISCUSSION

In June 2016 a zoning by-law amendment to remove the Hold (H) provision from the zoning of the subject property in order to facilitate the severance proposal was approved by Council.

The proposed lots will be subject to the development standards of the R8 zone in By-law 151-75. Both the retained and conveyed parcels exceed the minimum lot frontage and area requirements under the zoning by-law. The siting plan submitted appears to comply with the applicable development standards.

Staff note a Tree Assessment and Preservation Plan has been submitted to the City in response to Staffs' request to explore opportunities to preserve the mature vegetation on the subject property. As a condition of approval the Tree Assessment and Preservation Plan will be reviewed and approved by the City.

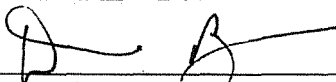
PUBLIC INPUT SUMMARY

One written submission in support and one written submission opposed to the application have been received as of March 28, 2017.

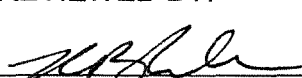
CONCLUSION

Staff note the proposal exceeds the minimum lot frontage and area requirements and is consistent with the established lot fabric in the area. Staff have had regard for the criteria in Section 51 (24) of the Planning Act for reviewing severance applications and do not object to its approval. It is recommended that the Committee consider public input in reaching a decision. Please see Appendix 'D' for conditions to be attached to any approval of this application.

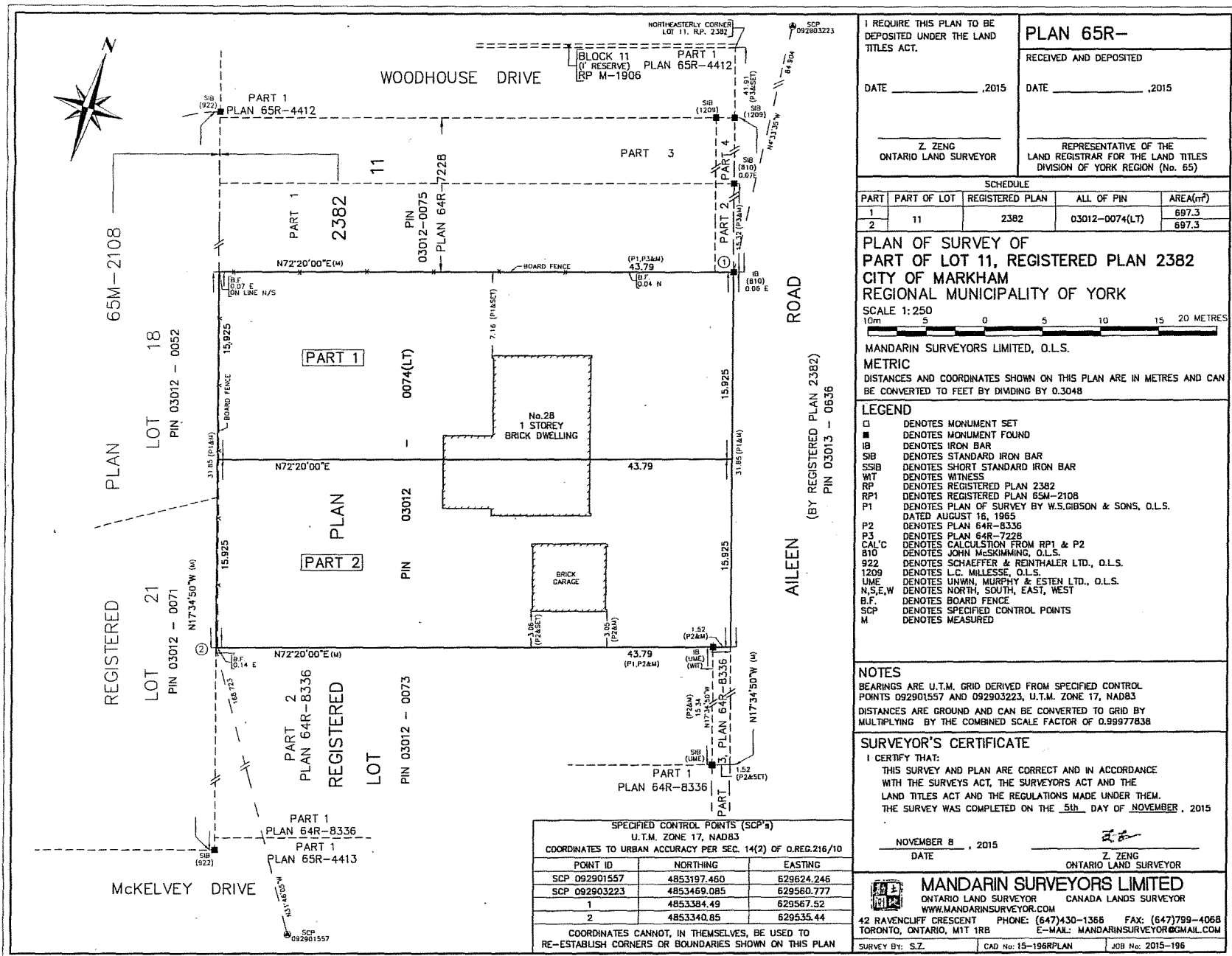
PREPARED BY:

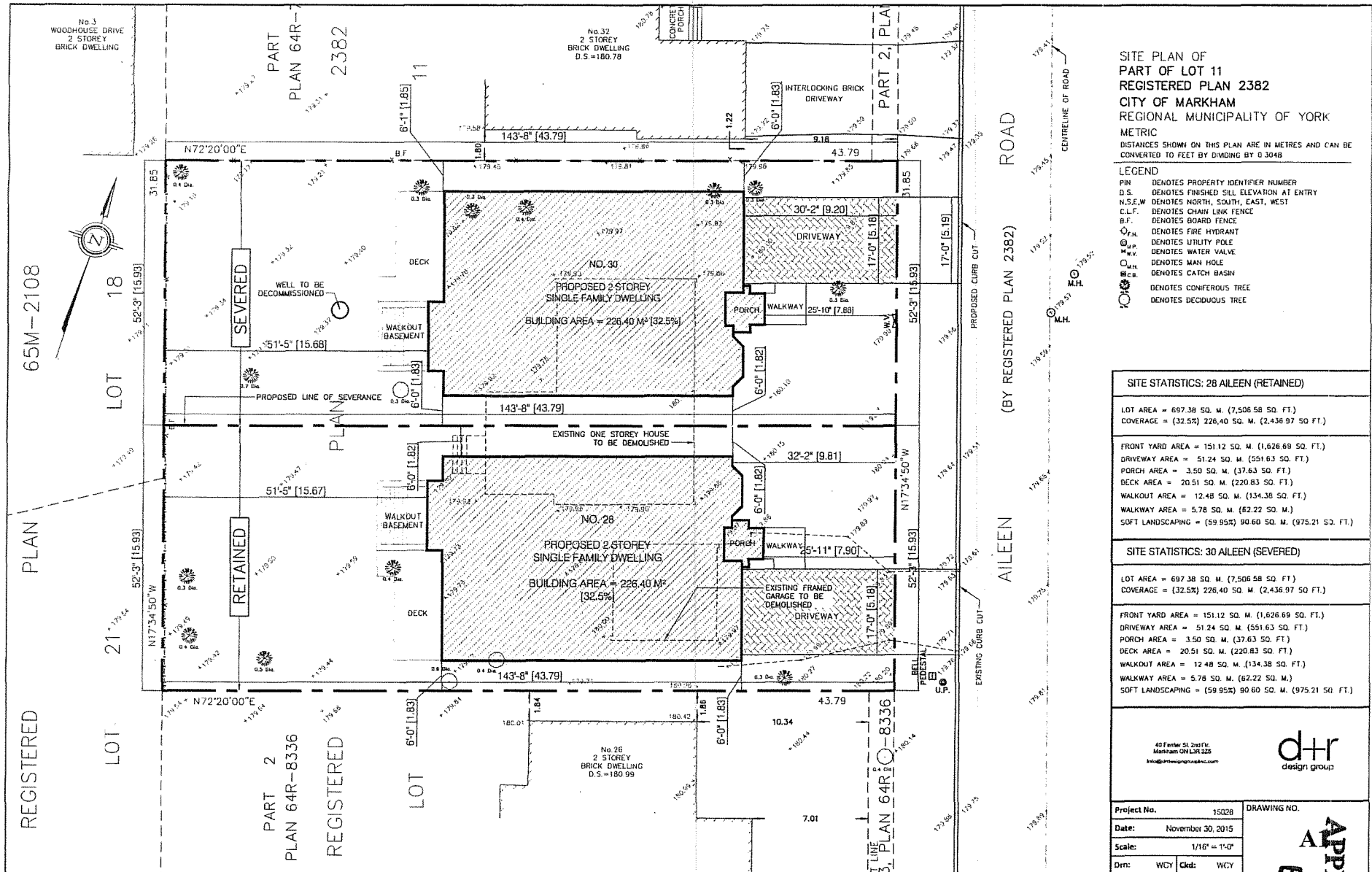

Daniel Brutto, Planner, West District

REVIEWED BY:


Dave Miller, Manager, West District

Appendix A – Draft Reference Plan
Appendix B – Siting Plan
Appendix C – Aerial Photo
Appendix D – Conditions of Approval





Aerial Photo



APPENDIX

D

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/29/16

1. 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;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/29/16, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted;
4. Payment of the required Conveyance Fee for the creation of a residential lot per City of Markham Fee By-law 211-83, as amended;
5. 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 the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
6. 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 Director of Planning and Urban Design or their designate;
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
8. 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 1 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 195-90. 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 of designate;
9. respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with

By-law 195-90, 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;

10. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
11. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
12. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
13. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
14. 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:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for, such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;

- c) 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;
- d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
- e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
- f) 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.

15. Fulfillment of conditions #1-14 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.

CONDITIONS PREPARED BY:


Daniel Brutto, Planner, West District

Memorandum to the City of Markham Committee of Adjustment

August 31, 2018

File: B/09/18
Address: 28 Aileen Road, Thornhill
Applicant: Shiyang Tan
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday September 12, 2018

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

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate lot area of 697.3 m² (7,506 ft²) and frontage of 15.92 m (52 ft) (Part 1), while retaining a lot with approximate lot area of 697.3 m² (7,506 ft²) and frontage of 15.92 m (52 ft) (Part 2) (see Appendix 'B'). The applicant proposes to construct two-storey single detached dwellings on both the retained and conveyed lands.

The purpose of this application is to apply for a lapsed consent approved by the Committee of Adjustment on April 05, 2017 (see Appendix 'C'). The proposed lots will be subject to the development standards of the R8 'Eight Density – Single Family Residential' zone in By-law 151-75. Staff comments remain (see Appendix 'D').

PUBLIC INPUT SUMMARY

No written submissions were received as of August 31, 2018. 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) and 45 (1) of the *Planning Act* and the Residential Infill Development Criteria in the City's Official Plan, and have no objection to the proposed severance. Staff recommend that the Committee consider public input in reaching a decision.

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

PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


David Miller, Development Manager, West District
File Path: Amanda\\File\\18 242129\\Documents\\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/09/18

1. 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.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/09/18, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. 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.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. 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.
6. 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 the 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;
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;
8. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Tree Preservation Technician or Director of Operations.
9. 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 1 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 195-90, 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.

10. Respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, 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
11. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
12. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
13. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
14. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
15. 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:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;
 - c) 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;
 - d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;

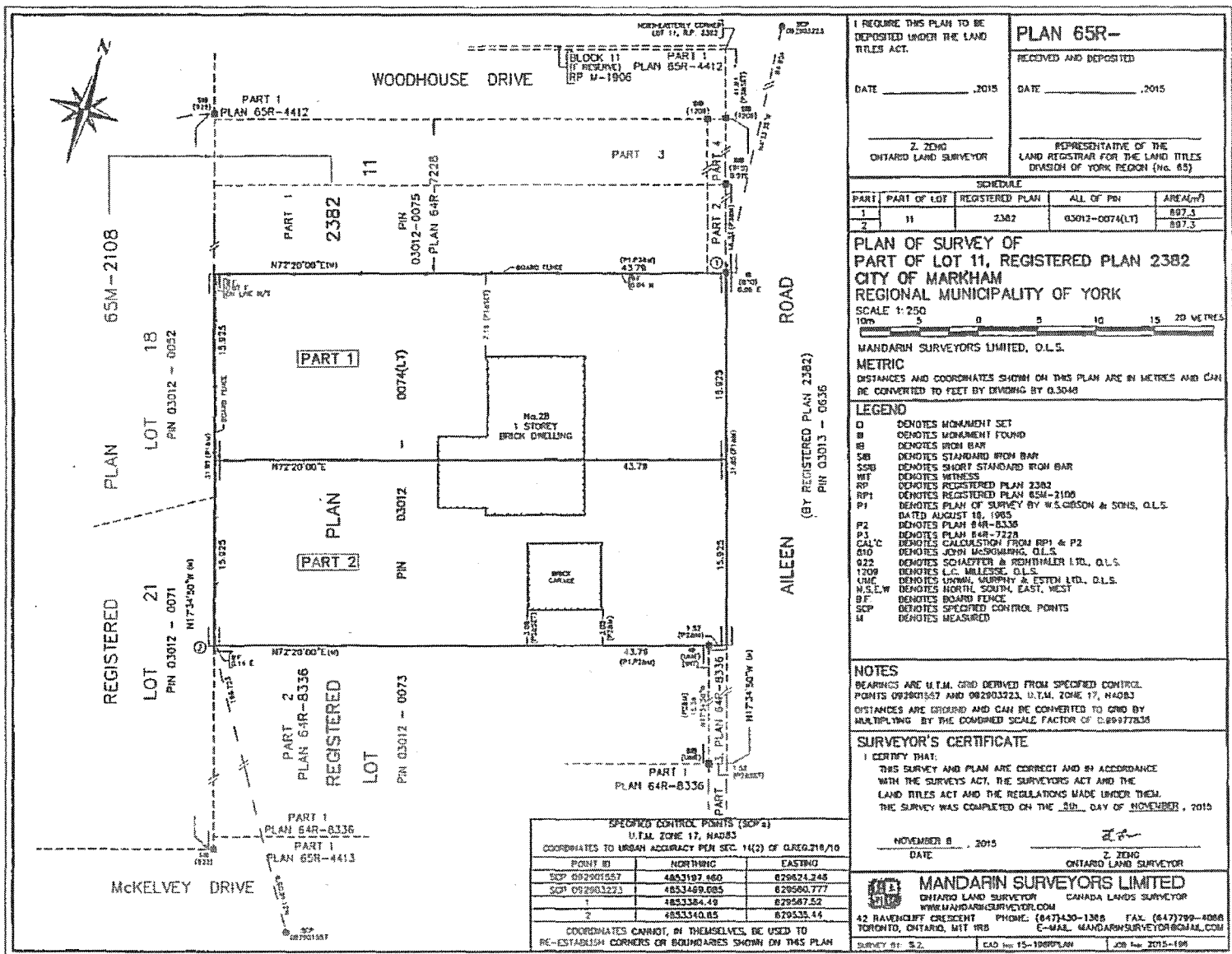
- e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
- f) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.

16. 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, Zoning and Special Projects





COMMITTEE OF ADJUSTMENT

NOTICE THAT DECISION IS FINAL AND BINDING

APPLICATION: B/29/16

IN THE MATTER of Section 53 of the Planning Act, R.S.O. 1990, c.P.13 -
and
IN THE MATTER of an application filed by: Shiyong Tan.

RE: 28 Alleen Road Thornhill
PLAN 2382 PT LOT 11

The appeal period for the decision of the Committee of Adjustment in the above matter has expired.

Please be advised that the decision of the Committee to approve the application is now final and binding.

This Final and Binding Notice does not indicate that conditions of approval have been satisfied. Please contact the Secretary-Treasurer of the Committee of Adjustment to determine if the conditions of approval have been met, before the issuance of building permit. It is the responsibility of the applicant to ensure that all conditions have been satisfied.

Hearing date: Wednesday, April 5, 2017
Last date for appealing decision: Thursday, April 27, 2017
Dated at the Town of Markham: Friday, April 28, 2017

A handwritten signature in cursive script that reads 'Rosanna Punit'.

Rosanna Punit, B.A. (Hons)
Secretary-Treasurer
Committee of Adjustment
Email: Rpunit@markham.ca

Copies of this Notice sent to:
Shiyong Tan
Russ Gregory, Planner

David Miller, West Manager
Daniel Brutto, Planner
Greg Nelson, Zoning and Compliance
Building Inspection
File copy

Memorandum to the City of Markham Committee of Adjustment
March 28, 2017

File: B/29/16
Address: 28 Aileen Road, Markham
Applicant: Shiyong Tam
Agent: The Gregory Design Group (Russ Gregory)
Hearing Date: April 5, 2017

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

PROPOSAL

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate area of 697.3 m² (7,506 ft²) and lot frontage of 15.92 m (52 ft) (Part 1), while retaining a lot with an approximate area of 697.3 m² (7,506 ft²) and lot frontage of .92 m (52 ft) (Part 2) (see Appendix A – Draft Reference Plan).

The purpose of the application is to create a new residential development lot. The applicant proposes to construct two-storey single detached dwellings on both the retained and conveyed lands (see Appendix B – Siting Plan).

BACKGROUND

Property Description

28 Aileen Road (the "subject property") is located north of John Street, east of Bayview Avenue. The subject property has an area of approximately 0.13 hectares (0.32 acres) and a frontage of 31.85 metres.

The subject property contains a one-storey single detached dwelling with a detached garage. Mature vegetation is located within the front and rear yards (see Appendix C – Aerial Photo).

The subject lands are located within an established low-rise residential community constructed circa 1990. Abutting the subject property to the north, west and south are two-storey single detached dwellings. On the east side of Aileen Road are two-storey single detached dwellings.

2014 Official Plan as partially approved on October 30, 2015 and May 26, 2016 (2014 Official Plan)

The subject property is designated "Residential Low Rise" in the 2014 Official Plan. The "Residential Low Rise" designation provides for single detached dwellings and was brought into force through the Ontario Municipal Board Order issued on May 26, 2016. The 2014 Official Plan contains development criteria (Section 8.2.3.5) regarding infill development to ensure it respects and reflects the existing pattern and character of adjacent development.

Zoning By-law 151-75

The subject lands are zoned "Eighth Density – Single Family Residential (R8)" by By-law 151-75, as amended, which permits one single family detached dwelling per lot.

COMMENTS/DISCUSSION

In June 2016 a zoning by-law amendment to remove the Hold (H) provision from the zoning of the subject property in order to facilitate the severance proposal was approved by Council.

The proposed lots will be subject to the development standards of the R8 zone in By-law 151-75. Both the retained and conveyed parcels exceed the minimum lot frontage and area requirements under the zoning by-law. The siting plan submitted appears to comply with the applicable development standards.

Staff note a Tree Assessment and Preservation Plan has been submitted to the City in response to Staffs' request to explore opportunities to preserve the mature vegetation on the subject property. As a condition of approval the Tree Assessment and Preservation Plan will be reviewed and approved by the City.

PUBLIC INPUT SUMMARY

One written submission in support and one written submission opposed to the application have been received as of March 28, 2017.

CONCLUSION

Staff note the proposal exceeds the minimum lot frontage and area requirements and is consistent with the established lot fabric in the area. Staff have had regard for the criteria in Section 51 (24) of the Planning Act for reviewing severance applications and do not object to its approval. It is recommended that the Committee consider public input in reaching a decision. Please see Appendix 'D' for conditions to be attached to any approval of this application.

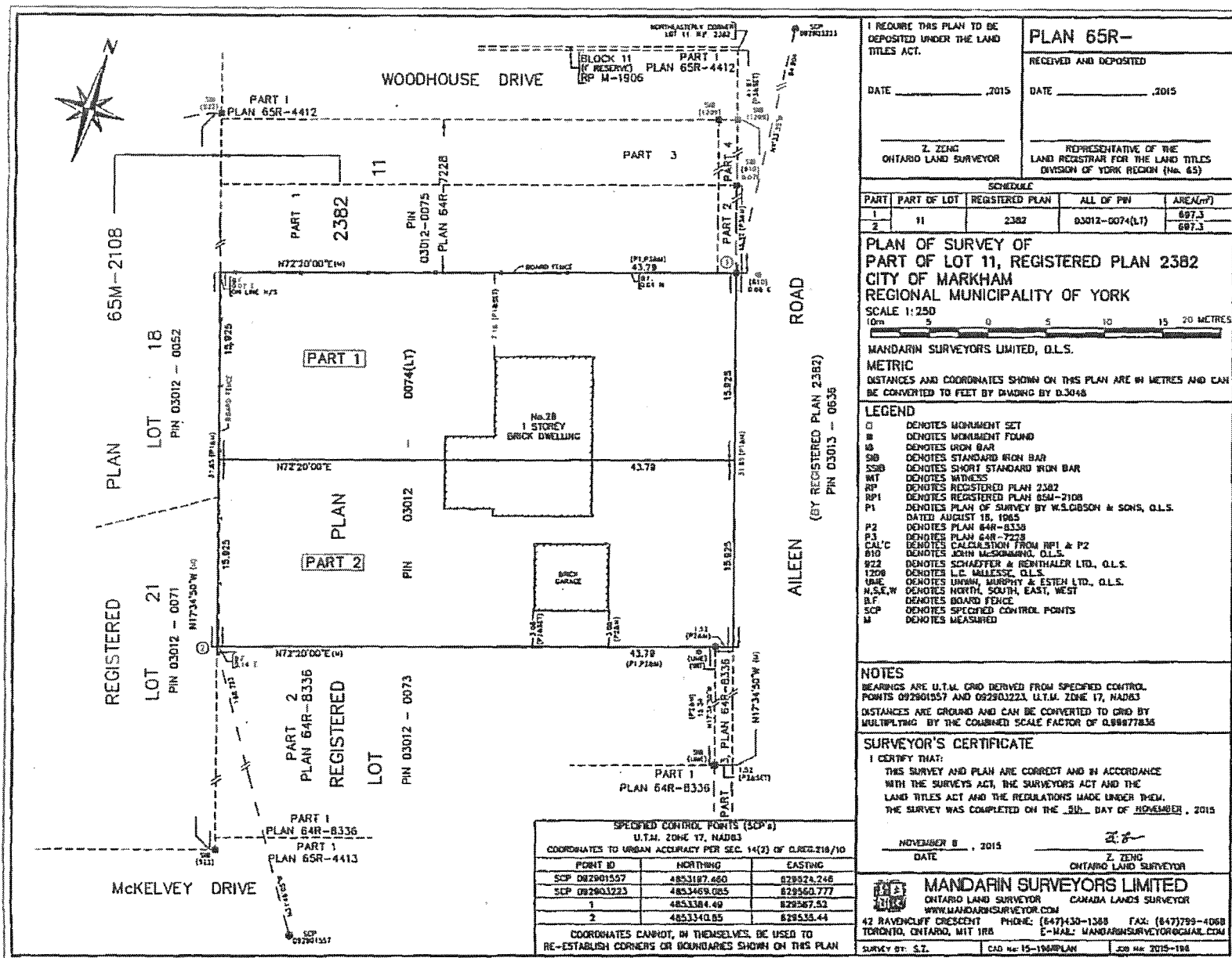
PREPARED BY:

Daniel Brutto, Planner, West District

REVIEWED BY:

Dave Miller, Manager, West District

- Appendix A – Draft Reference Plan
- Appendix B – Siting Plan
- Appendix C – Aerial Photo
- Appendix D – Conditions of Approval



APPENDIX A

APPENDIX

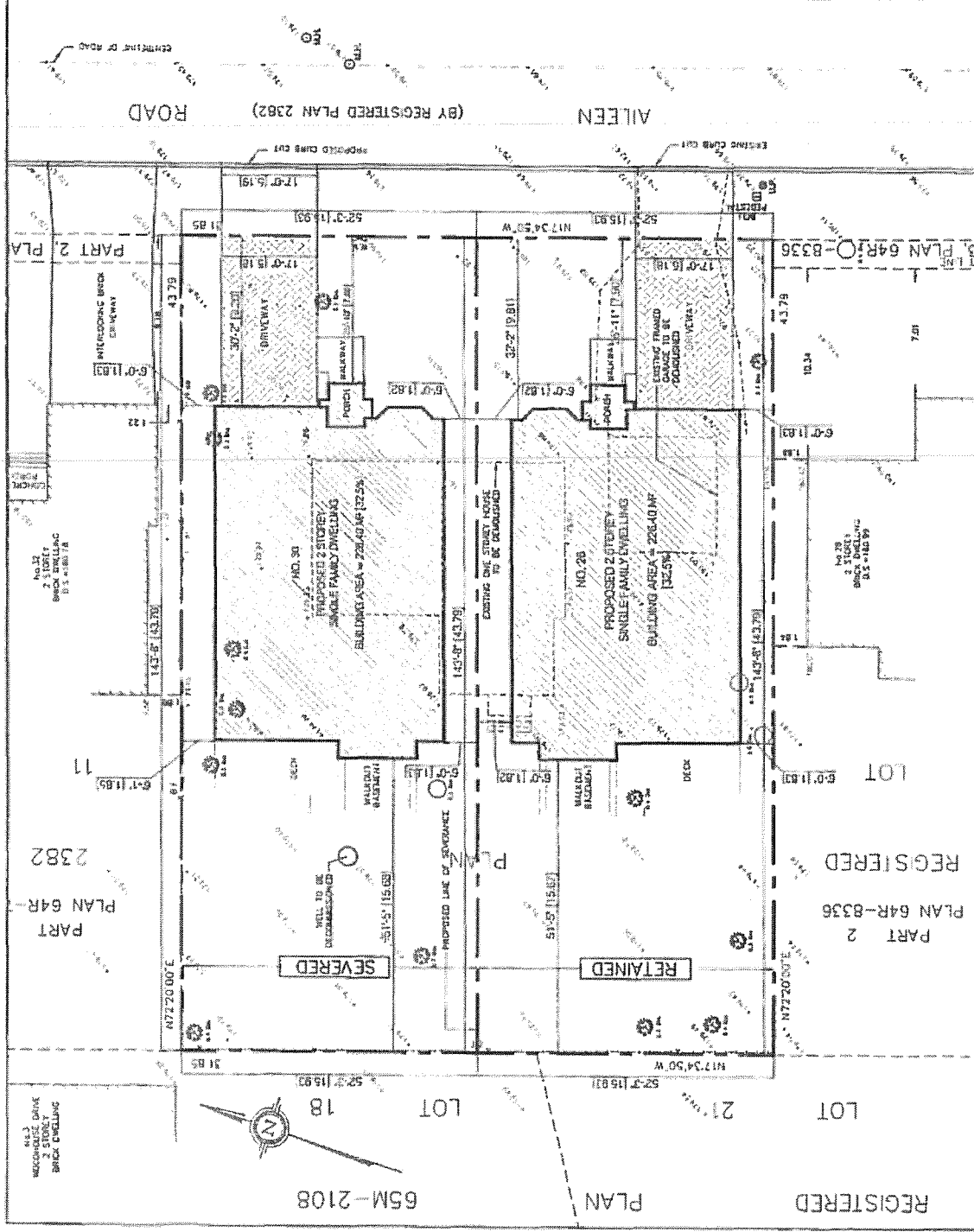


Project No.	10022	City of Markham
Date	November 30, 2015	
Scale	1/8" = 1'-0"	
Drawn	WCT	
Check	WCT	

Project No.	10022	City of Markham
Date	November 30, 2015	
Scale	1/8" = 1'-0"	
Drawn	WCT	
Check	WCT	

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Check	WCT	

Project No.	10022	City of Markham
Date	November 30, 2015	
Scale	1/8" = 1'-0"	
Drawn	WCT	
Check	WCT	



65M-2108
PLAN
REGISTERED
LOT 21
LOT 18
LOT 11
PART 2
PLAN 64R-8336
REGISTERED
2382
PART
PLAN 64R-8336
REGISTERED
LOT 11
LOT 18
LOT 21
PART 2
PLAN 64R-8336
REGISTERED

Aerial Photo



APPENDIX

D

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/29/16

1. 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;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/29/16, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted;
4. Payment of the required Conveyance Fee for the creation of a residential lot per City of Markham Fee By-law 211-83, as amended;
5. 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 the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
6. 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 Director of Planning and Urban Design or their designate;
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
8. 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 1 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 195-90. 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 of designate;
9. respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with

By-law 195-90, 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;

10. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
11. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
12. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
13. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
14. 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:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for, such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;

- c) 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;
- d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
- e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
- f) 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.

15. Fulfillment of conditions #1-14 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.

CONDITIONS PREPARED BY:


Daniel Brutto, Planner, West District