

Memorandum to the City of Markham Committee of Adjustment

May 25, 2018

File: B/03/18
Address: 221 Helen Ave
Applicant: World Tech Construction Inc. (Imran Iqbal)
Agent: (none)
Hearing Date: Wednesday May 30, 2018

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

BACKGROUND

Property Description

The subject property is located at the south-east corner of Helen Avenue and Romer Gate, three blocks east of Kennedy Road, in the South Unionville Community. The property has a frontage of approximately 23 metres (75 feet) on Helen Avenue and a depth of approximately 34 metres (112 feet).

The property is occupied by a two storey brick dwelling, constructed in 1985, which is currently being used as an office for Best Homes. There are a number of existing trees on the property, including several mature norway spruce trees along the west boundary.

Proposal

The applicant is proposing to sever the subject property to create one additional building lot, as follows:

Part 1 (to be retained):

Frontage	10.08 metres
Depth	33.9 metres
Area	338.9 square metres

Part 2 (to be conveyed):

Frontage	11.22 metres
Depth	33.9 metres
Area	376.2 square metres

Part 3 (road widening):

Area	67.77 square metres
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The applicant is proposing to demolish the existing dwelling and construct a new single detached dwelling on each of the proposed lots.

COMMENTS

Official Plan:

The subject property is designated "Residential Low Rise" in the 2014 Official Plan, (as partially approved on November 24, 2017 and further updated April 9, 2018). The

proposed development conforms with the policies of the Residential Low Rise designation.

Zoning:

The subject property is zoned "Residential Two*31" by By-law 177-96, as amended by By-law 2018-5. By-law 2018-5 was approved by City Council on February 13, 2018 to facilitate the subject severance.

Comment/Discussion:

Planning: The proposed lots are consistent with the lotting pattern along this section of Helen Avenue. The lots comply with the lot frontage, depth and area requirements of the R3*31 zoning, which also applies to the other lands in the vicinity.

Engineering: Engineering staff have reviewed the application and have no objection to approval subject to their technical conditions, which are included in the recommended conditions of approval attached as Appendix 'A'.

Urban Design: Urban Design staff note that several large trees in good condition located in the front yard are proposed for removal. Urban Design staff strongly recommend that healthy mature trees be preserved where possible, with priority to preserving Trees T1, T2 and T3 (as identified in the Arborist Report/Tree Preservation Plan) by tapering the driveway width. Sufficient tree protection zones must be provided in accordance with the City's Streetscape Manual. Urban Design's conditions are included in the recommended conditions of approval attached as Appendix 'A'.

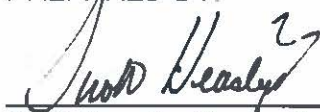
Public Consultation

At the time this report was prepared, there had been no written or oral submissions made by the public on the application.

CONCLUSION

Staff support the approval of the subject application subject to the conditions attached as Appendix 'A'.

PREPARED BY:



Scott Heaslip, Senior Project Coordinator

REVIEWED BY:



Richard Kendall, Development Manager

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/03/18


1. Pay 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. Submit to the Secretary-Treasurer the required transfers to effect the severances applied for under Files B/03/18, 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. Submit to the Secretary-Treasurer seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Pay 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, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
6. Confirm to the satisfaction of the Director of Engineering or his designate that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance.
7. Confirm to the satisfaction of the Director of Engineering or his designate that any and all existing services for the retained lot do not traverse the severed lot.
8. Pay cash-in-lieu of parkland dedication or provide proof of previous payment or dedication for the additional lot created. An appraisal report of the land value of the property shall be required should proof of payment not be provided. The report must be prepared by a member of the Appraisal Institute of Canada, Ontario Association.
9. Submit to the Secretary-Treasurer, a certificate from the trustee for the South Unionville Landowners Group stating that the Owner is a member in good standing of the Group and that the Landowners Group has no objection to the approval of B/03/18.
10. Enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the Director of Engineering and the City Solicitor 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 provide for matters including but not limited to:

- a) Notice that the lands may not be connected to City water, sewage and drainage systems, and that in order to connect to these municipal services, the Owner must submit an application to the City and pay for the connections upon making an application for a building permit. These connections will be installed by the City.
- b) The 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 the satisfaction of the Director of Planning and Urban Design or his designate.
- c) Subject to the review and approval of the Tree Assessment and Preservation Plan, the erection of tree protection fencing in accordance with the City's Streetscape Manual (2009), as amended, to the satisfaction of the Director of Planning and Urban Design or his designate.
- d) Subject to the review and approval of the Tree Assessment and Preservation Plan, the provision of replacement trees and/or tree replacement fees to the satisfaction of the Director of Planning and Urban Design or his designate.
- e) The submission of a site plan, site servicing plan and grading plan for approval by the City's Director of Engineering or his designate and the Director of Planning and Urban design or his designate prior to making an application for building permit. These plans shall address garages/driveways, lot grading and underground services as they relate to the preservation of trees.
- f) Submission of cost estimates(s) respecting any works required and the posting of Letter(s) of Credit to ensure compliance with any works required
- g) Payment of Engineering and Urban Design fees in accordance with the City's fee by-law.

11. Fulfill 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:



Scott Heaslip, Senior Project Coordinator
Central District