

Memorandum to the City of Markham Committee of Adjustment

June 15, 2018

File: B/04/18
Address: 10 Albert St Markham
Applicant: KLM Planning Partners Inc. (Billy Tung)
Agent: Marshall Smith
Hearing Date: Wednesday June 27, 2018

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

File B/04/18

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate lot frontage of 12.9 m (42 ft.) and area of 512.7 m² (5,518.8 ft²)(Part 2); while retaining a parcel of land with an approximate lot frontage of 12.3 m (40.4 ft.) and an area of 487.3 sq. m (5,245.4 ft²) Figure 2 is a survey showing the proposed severance, in which the retained lot is identified as 'PART 1' and the conveyed lot is identified as 'PART 2'.

The purpose of this application is to provide for separate ownership of each dwelling unit of the recently constructed semi-detached dwelling.

BACKGROUND

Property Description

The subject property is located on the west side of Albert Street, north of Highway 7 East, in the residential portion of the Markham Village Heritage Conservation District (See Figure 1- Location Map). The property has a lot area of 999.9 m² (10,764.2 ft²) and a frontage of 25.1 m (82.3 ft.) and is occupied by a recently constructed semi-detached dwelling which was approved by the City through Site Plan Control. The immediate neighbourhood is comprised of single detached, semi-detached and townhouse dwellings and the immediate adjacent properties are occupied by one storey semi-detached dwellings constructed in the 1960's.

The property is designated as Residential Low Rise in the in the 2014 Official Plan as partially approved on November 24, 2017 and further updated on April 9, 2018, and zoned R2 under By-law 1229, as amended, which permits single, semi-detached, and duplex dwellings.

Proposal

In 2017, the applicant obtained Site Plan Approval to demolish the previous singled detached, non-heritage dwelling on the property, and to construct a new semi-detached dwelling. The construction of the semi-detached dwelling is nearing completion and the applicant would like to sever the property to permit separate ownership of each residential unit.

COMMENTS

Consent applications are evaluated in the context of Section 51 (24) of the *Planning Act*, as well as provincial and local land division policies.

Land Division

In order for land division to occur under the *Planning Act*, the process requires both provincial interests and local planning concerns to be satisfied. In Markham, land division is regulated within a policy-led planning system that consists of a number of inter-related types of legislation and policies including:

- The Planning Act and the Provincial Policy Statement (PPS)
- Other Provincial Plans (if applicable)
- Markham Official Plan
- Community Improvement Plans (if applicable)
- Local Zoning By-laws
- Site Plan Control Area By-law

a) The Planning Act

The *Planning Act* in Ontario provides the framework for the province's policy-led planning system. All decisions regarding consent applications must:

- Have regard to criteria listed in subsection 51(24) which relates to the subdivision of land, and includes, but is not limited to:
 - Effect on matters of provincial interest listed in section 2 of the Act;
 - Suitability of the land for the purposes for which it is to be subdivided;
 - Lot dimensions and shapes;
 - Restrictions of the land;
 - Interrelationship with site plan control matters

Each of these criteria is explored below:

Matters of Provincial Interest

The subject property at 10 Albert Street does involve a matter of provincial interest, that being section 2(c) "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" as the property is located in a designated heritage conservation district and the new dwellings have been designed to be compatible with local heritage resources.

Suitability of the Land for its Intended Use

The property is in residential use in a stable residential neighbourhood, and will continue to be in low rise residential use.

Lot Dimensions and Shapes

The existing lot is appropriate for the recently constructed semi-detached dwelling and the proposed lot dimensions and shapes resulting from the proposed severance are supportable because they are compatible with the varied lot sizes found in the immediate neighbourhood.

Restrictions on the Land

The restrictions on the subject property relate to the fact that the property is officially designated pursuant to Part V of the *Ontario Heritage Act*. Council has adopted a heritage conservation district plan through a specific by-law. This heritage plan provides policies and design guidelines to guide alterations and development. The owner must obtain a "Heritage Act" permit from the municipality to alter any part of the property, or to erect, demolish or remove any building on the property. Therefore any new development (lot creation and any future buildings) are subject to the restrictions and guidance found in the heritage conservation district plan. The newly constructed semi-detached dwelling was designed to comply with the policies and guidelines for new buildings contained in the Markham Village Heritage Conservation District Plan.

Interrelationship with Site Plan Control Matters

The subject property is also located within a site plan control area and the recently constructed semi-detached building was approved by the City's Planning and Urban Design Department through the Site Plan Approval process (See Figure 3- Elevation of the recently constructed semi-detached dwelling).

b) Consistency with the Provincial Policy Statement

The Provincial Policy Statement (PPS) 2014 sets the policy foundation for regulating the development and use of land in Ontario. Decisions that affect a planning matter are to be consistent with the Provincial Policy Statement. Section 2.6 of the PPS addresses cultural heritage resources. The policy requires that significant built heritage resources and **significant cultural heritage landscapes (a heritage conservation district) shall be conserved**. As per the current proposal, no built heritage resources will be lost and the creation of a new lot in this circumstance is not viewed as being detrimental to the heritage attributes of the property as well as the overall character and integrity of the heritage conservation district.

c) Conformity with the Official Plan

The Official Plan represents the municipality's chief planning tool to provide direction to approval authorities and the public on local planning matters. The 2014 Official Plan includes applicable policies respecting **infill development** (Section 8.2.3.5) and **heritage conservation** (Section 9.13.4.1).

Infill Development

Section 8.2.3.5 which describes development criteria or infill development in areas designated as "Residential Low Rise" states that Council shall ensure infill development respects and reflects the existing pattern and character of adjacent development by ensuring that the lot frontages and lot areas or the proposed new lots shall be consistent with the sizes of existing lots on both sides of the street on which the property is located. The proposed lots are compatible with the varied lots frontages and areas found in the immediate neighbourhood and no variances to the By-law are required for the recently constructed semi-detached dwelling.

The Land Use Objectives described in Section 9.13.4.1 of the 2014 Official Plan regarding the Markham Village Heritage Conservation District are to provide a variety of residential forms while ensuring compatible new development that recognizes the distinct character of the existing heritage buildings and landscape of the district. The

newly constructed semi-detached building was designed in accordance with the policies for new buildings contained in the Markham Village Heritage Conservation District Plan and was reviewed and approved by the municipal heritage committee (Heritage Markham).

d) Compliance with the Zoning By-law

The zoning by-law enables the municipality to implement the vision set out in the Official Plan. It identifies the permitted land uses and the required development standards. The recently constructed semi-detached dwelling is a permitted use of the property, and conforms with the development standards for semi-detached dwelling contained in By-law 1229, as amended.

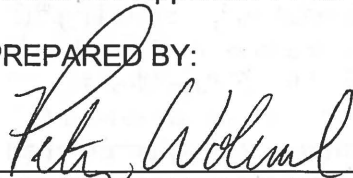
CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act.

Planning staff recommend support for the consent.

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

PREPARED BY:



Peter Wokral, Heritage Conservation Planner

REVIEWED BY:



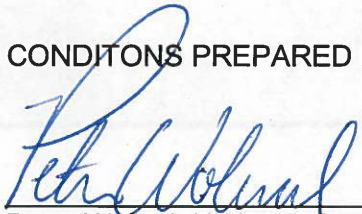
Regan Hutcheson, Manager of Heritage Planning

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/04/18

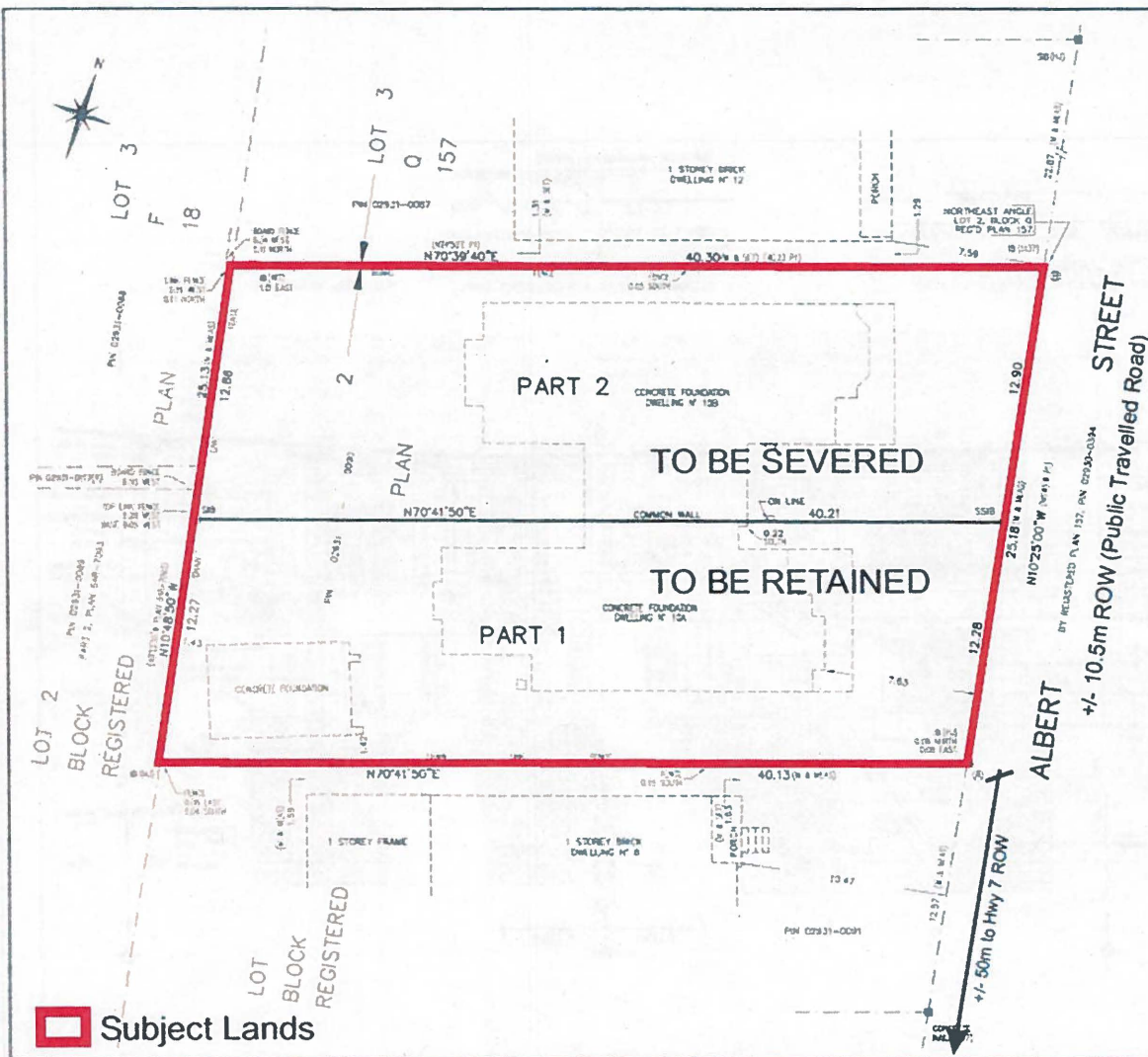
1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B/04/18, 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. That the applicant confirm that both the severed and retained parcels, in their final configuration, meet all requirements of the applicable zoning by-law, and that the Secretary-Treasurer receive written confirmation that this condition has been met to the satisfaction of the Supervisor of Zoning or delegate.
5. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.

CONDITIONS PREPARED BY:



Peter Wokral, Heritage Conservation Planner

FIGURE 2- PROPOSED SEVERANCE



Subject Lands

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 65R-
RECEIVED AND DEPOSITED

DATE 14 MAY 2018
E. W. Bowyer
E. W. BOWYER
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF THE YORK REGION REGISTRY OFFICE. (N° 65)

| PART | LOT | BLOCK | PLAN | FN | AREA |
|------|------------|-------|------|-------------------|-------------|
| 1 | PARTS OF 2 | Q | 157 | ALL OF 02931-0090 | 487.27 sq m |
| 2 | | | | | 312.66 sq m |

SCHEDULE

PLAN OF SURVEY
PART OF LOT 2, BLOCK Q
REGISTERED PLAN 157
CITY OF MARKHAM
GEOGRAPHIC TOWNSHIP OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE 1 : 200
E.W. BOWYER B.Sc., O.L.S.

BEARINGS HEREON ARE UTM GRID BEARINGS AND ARE DERIVED FROM THE SPECIFIED CONTROL POINTS LISTED IN THE FOLLOWING TABLE.

| POINT | NORTHING | EASTING |
|-----------|-------------|------------|
| 092802049 | 4859223.113 | 639643.401 |
| 092803004 | 4859382.793 | 639916.367 |

ZONE 17, ONTARIO COORDINATE SYSTEM, NAD 83 (CRIG).

COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

| POINT | NORTHING | EASTING |
|-------|-------------|------------|
| 75 | 4859204.723 | 640013.102 |
| 76 | 4859329.481 | 640008.637 |

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996845
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND

| | |
|--|---|
| | DENOTES SURVEY MONUMENT FOUND |
| | DENOTES SURVEY MONUMENT PLANTED |
| | DENOTES IRON BAR |
| | DENOTES STANDARD IRON BAR |
| | DENOTES SHORT STANDARD IRON BAR |
| | DENOTES REGISTERED PLAN 157 |
| | DENOTES R. G. MURPHY, O.L.S. (17/08/2005) |
| | DENOTES HOLLINGS & JONES, O.L.S. (15/06/1967) |
| | DENOTES MEASURED |
| | DENOTES METERS |

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

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 12 MAY 2018.

14 MAY 2018
DATE
E. W. Bowyer
E. W. BOWYER
ONTARIO LAND SURVEYOR

E. W. BOWYER INC.
ONTARIO LAND SURVEYOR
9275 HIGHWAY N° 48, SUITE 201A
MARKHAM, ONTARIO, L6E 1A3
PHONE (905) 294-8093
FAX (905) 294-8549

PH 02931-0090 DWG No. A- C:\CDD\2017\17-10492.DWG

