

Memorandum to the City of Markham Committee of Adjustment

February 27, 2018

File: B/08/17
Address: 32 Hughson Drive
Applicant: John & Sophie Vetros
Agent: Tony Sena
Hearing Date: Wednesday March 14, 2018

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

B/08/17

Sever and convey a parcel of land with an approximate area of 764.7 m² and lot frontage of 17.7 m (Part 2) while retaining a parcel of land with an approximate area of 764.7 m² and lot frontage of 17.7 m (Part 1). The purpose of this application is to create two residential development lots.

BACKGROUND

Property Description

32 Hughson Drive, the "subject property", is situated north of Highway 7 and east of Woodbine Avenue. The subject property contains an existing two-storey dwelling with mature vegetation.

OMB Order relating to By-law 2012-13

On August 8, 2012, the Ontario Municipal Board (OMB) issued a decision as it relates to appeals in connection with a By-law (By-law 2012-13) enacted by the City of Markham. The purpose of the By-law is to introduce a series of zoning standards to the subdivision in which the subject lands are situated, so that redevelopment can proceed subject to updated standards. As it relates to lot division, the By-law provides a performance standard for minimum lot frontage set out as 50% of the lot frontage of a lot of record existing on the date of the passing of the by-law amendment, as well as a standard for minimum lot area, also set at 50% of a lot of record existing on the date of the passing of the by-law amendment.

COMMENTS

As mentioned above, the Owner is proposing to sever an existing parcel of land with an approximate area of 764.7 m² and lot frontage of 17.7 m (Part 2) while retaining a parcel of land with an approximate area of 764.7 m² and lot frontage of 17.7 m (Part 1). The proposal is consistent with the By-law standards as it relates to lot division, which provides for a minimum lot frontage set out as 50% of the lot frontage of a lot of record as well as for minimum lot area, also set out at 50% of a lot of record.

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. In conjunction with the building permits for each individual lot, the Owner will be required to submit a separate site servicing and grading plan for review and approval by the City. At such time, the

Owner will 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. The Engineering Department does not have any objections to the approval of the severance applications, subject to the conditions listed in 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

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51(24) of the Planning Act and do not object to its approval.

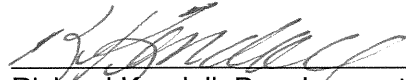
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Sabrina Bordone, Senior Planner

REVIEWED BY:



Richard Kendall, Development Manager

File Path: Amanda\File\17 160926\Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/08/17

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/08/17, 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. Make satisfactory arrangements with the Director of Engineering or his or her designate to confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance.
5. Provide confirmation that any and all existing services for the retained lot do not traverse the severed lot.
6. Provide a functional servicing plan to show how the individual water and sewer services will be provided for the severed lot.
7. Make satisfactory arrangements with the Director of Engineering or his or her designate, to pay for and construct any sewer or watermain that needs to be extended to provide the severed lot with municipal servicing.
8. 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.
9. 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.
10. 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;

11. 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 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.

12. 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. Assessment, preservation and canopy replacement compensation as they relate to significant existing vegetation, subject to review and approval by the Director of Planning and Urban Design;
- 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. Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
- iv. Submission of cost estimates(s) respecting any works required, Letter of Credits required by the City to ensure compliance with any works required, and payment of all applicable fees in accordance with the City's fee by-law;
- v. 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; and,
- vi. 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.

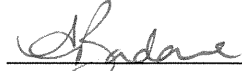
13. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.

14. That the Owner 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.

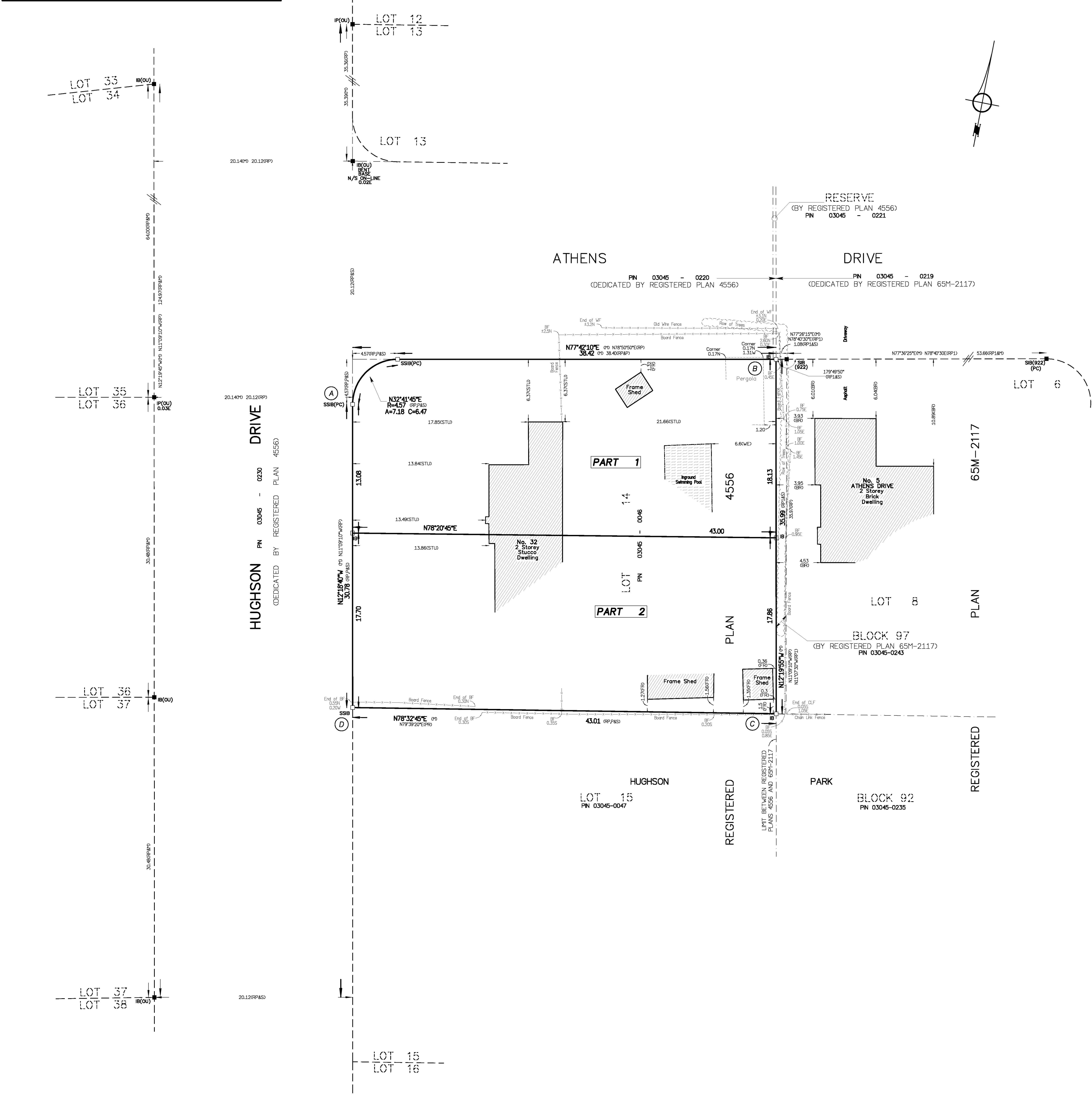
15. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Sabrina Bordone, Senior Planner

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



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

DATE : _____, 2017

MICHELE PEARSON
ONTARIO LAND SURVEYOR

Plan 65R-
RECEIVED AND DEPOSITED :

DATE : _____, 2017

REPRESENTATIVE FOR THE LAND
REGISTRAR FOR THE LAND
TITLES DIVISION OF YORK
REGION (No. 65)

Schedule				
PART	ALL OF LOT	REGISTERED PLAN	ALL OF PIN	AREASq.m.
1	14	4556	03045-0046	764.7
2				764.7

PLAN OF SURVEY OF
LOT 14
REGISTERED PLAN 4556
CITY OF MARKHAM
REGION MUNICIPALITY OF YORK
SCALE 1:200

PEARSON & PEARSON SURVEYING LTD. 2017
Ontario Land Surveyors

Bearing Note
BEARINGS SHOWN HEREON ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A, B, C & D BY REAL TIME NETWORK OBSERVATIONS, UTM Zone 17, NAD 83 (CSRS V6) (Epoch 2010.00).
DISTANCES SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE USED TO COMPUTE GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999872.
FOR BEARINGS COMPARISONS A ROTATION OF 0°10'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON REGISTERED PLANS M-4556 AND 65M-2117 TO CONVERT TO UTM BEARINGS.

Integration Data		
OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING THE SMARTNET NETWORK SERVICE AND ARE REFERRED TO UTM Zone 17, NAD 83 (CSRS V6) (Epoch 2010.00).		
COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O.R.G. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		
POINT ID	NORTHING	EASTING
ORP A	4856843.92	632279.75
ORP B	4856857.54	632328.78
ORP C	4856822.39	632328.46
ORP D	4856813.85	632286.32

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SSB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- SSB DENOTES (USED WHERE BURIED UTILITY COULD OF CONCERN)
- IP DENOTES IRON PIPE
- IB DENOTES IRON BAR
- CU DENOTES ORIGIN UNKNOWN
- S DENOTES SET
- M DENOTES MEASURED
- N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST
- RP DENOTES REGISTERED PLAN M-4556
- RP1 DENOTES REGISTERED PLAN 65M-2117
- P DENOTES PLAN OF SURVEY BY WILDE BRODIE & GARDNER, O.L.S., DATED FEBRUARY 14, 1956
- 922 DENOTES SCHAEFFER & REINTHALER LIMITED, O.L.S.
- PC DENOTES POINT OF CURVATURE
- STU DENOTES TIES TO STUCCO
- FR DENOTES TIES TO FRAME
- BR DENOTES TIES TO BRICK
- BF DENOTES BOARD FENCE
- WE DENOTES WATER'S EDGE
- CLF DENOTES CHAIN LINK FENCE
- WF DENOTES WIRE FENCE
- ORP DENOTES OBSERVED REFERENCE POINT

Surveyor's Certificate
I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE LAND TITLES ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2017

April 17, 2017
Date

Michele Pearson
Ontario Land Surveyor

10933 JANE STREET, SECOND FLOOR, MAPLE
ONTARIO, L6A 1S1
O : (416) 907-7327
E : michele.pearson@pearsonandpearson.ca

DRAWING : 1176-HughsonDrive32-RP.DWG
CALC. BY JM
DRAWN BY JM
CHECKED BY MP

PROJECT : 1176